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Air Pollution Regulations in State Implementation Plans: Pennsylvania

Abcor Inc, Wilmington, MA Walden Div

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Pennsylvania

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Pennsylvania

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Publication No. EPA-450/3-78-088

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the *Federal Register* and the Federally promulgated regulations for the State, as indicated in the *Federal Register*. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

PENNSYLVANIA

Submittal Date	Approval Date	Description
3/17/72	5/31/72	State Regulations 121, 123, 127, 129, 131, 135, 139, 141
6/6/72	7/27/72	Article XVIII: Regulations for Allegheny County
11/3/72	5/14/73	Philadelphia Regulations I, IV, VIII, IX, X
4/15/74	4/1/75	Philadelphia Regulation III
5/28/74	9/9/75	Philadelphia Regulations I, II, X, XI
12/26/74	11/29/75	State Regulation 123 - Process Factor for Glass Production
8/7/75	4/30/76	State Regulations 123 and 129 Revised for Zinc Smelters

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52.2039	Air Bleed to Intake Manifold Retrofit
52.2040	Management of Parking Supply
52.2041	Study and Establishment of Bikeways
52.2042	Gasoline Transfer Vapor Control
52.2043	Computer Carpool Matching System

Section Number	Description
52.2044	Pennsylvania - New Jersey Busways
52.2045	Roosevelt Boulevard Busway Between Grant Avenue and Hunting Park
52.2046	Central Business Districts Bus and Parking Restrictions
52.2047	Exclusive Busways in Philadelphia Outside the CBD
52.2048	Exclusive Bus Lanes for Philadelphia Suburbs and Outlying Areas
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52.2051	Regulation for Limitation of Public Parking
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52.2058	Prevention of Significant Deterioration

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ALLEGHENY COUNTY HEALTH DEPARTMENT

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PART 1. DEPARTMENT OF ENVIRONMENTAL RESOURCES
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE 111. AIR RESOURCES

(2.0) CHAPTER 121. GENERAL PROVISIONS

GENERAL

(1.0) 121.1 Definitions.

The definitions set forth in the Act of January 8, 1960, P.L. 2199, 3, as amended (35 P.S. 4003), shall apply to the provisions of this Article. In addition, the following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Act - Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, as amended (35 P.S. 4001 et seq.).

(2) Agency - Any official body of any political subdivision of the Commonwealth having the authority or duty to enforce local ordinances or resolutions relating to the prevention and control of air pollution.

(3) Air basin - A geographic area of this Commonwealth as delimited in this section.

(4) Air cleaning device - Any article, chemical, machine, equipment or other contrivance, the use of which may eliminate, reduce or control the emission of air contaminants into the atmosphere.

(5) Air quality control region - Any air quality control region designated as such by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act and which includes any part of this Commonwealth.

(6) Allegheny County air basin - Allegheny County.

(7) Allentown, Bethlehem, Easton air basin - The following political subdivisions in Lehigh County: City of Allentown, City of Bethlehem, Catasauqua Borough, Coplay Borough, Emmaus Borough, Fountain Hill Borough, Hanover Township, Salisbury Township, South Whitehall Township, Whitehall Township, and the following political subdivisions in Northampton County: Allen Township, Bath Borough, City of Bethlehem, Bethlehem Township, East Allen Township, City of Easton, Freemansburg Borough, Glendon Borough, Hanover Township, Hellertown Borough, Lower Nazareth Township, Lower Saucon Township, Nazareth Borough, North Catasauqua Borough, Northampton Borough, Palmer Township, Stockertown Borough, Tatamy Borough, Upper Nazareth Township, West Easton Borough and Wilson Borough.

(8) Ambient air quality standards - Concentrations of air contaminants in the ambient air, as provided for in Chapter 131 of this Title (relating to ambient air quality standards).

(9) Beaver Valley air basin - The following political subdivisions in Lawrence County: Bessemer Borough, Ellport Borough, Ellwood City Borough, Enon Valley Borough, Little Beaver Township, New Beaver Borough, City of New Castle, North Beaver Township, Shenango Township, South New Castle Borough, Taylor Township, Wampum Borough, Wayne Township and all of Beaver County except for the following political subdivisions: Darlington Borough, Darlington Township, Economy Borough, Frankfort Springs Borough, Franklin Township, Hanover Township, Independence Township, Marion Township, New Sewickley Township and South Beaver Township.

(10) Best available technology - Equipment, devices, methods or techniques which will prevent, reduce or control emissions of air contaminants to the maximum degree possible and which are available or can be made available.

(11) Board - The Environmental Hearing Board established by The Administrative Code of 1929, the Act of April 9, 1929, P.L. 177, as amended December 3, 1970, Act No. 275 (71 P.S. 51 et seq.).

(12) Clean Air Act - The Federal Clean Air Act, as amended by Public Law 91-604, 84 Stat. 1676 (42 U.S.C. 1857 et seq.), and the rules and regulations promulgated thereunder.

(13) Combustion unit - Any stationary equipment used to burn fuel primarily for the purpose of producing power or producing heat by indirect heat transfer.

(14) Emissions - Air contaminants emitted into the outdoor atmosphere.

(15) Erie air basin - The following political subdivisions in Erie County: City of Erie, Harborcreek Township, Lawrence Park Township, Milcreek Township and Wesleyville Borough.

(16) Flue - Any duct, pipe, stack, chimney or conduit permitting air contaminants to be emitted into the outdoor atmosphere. In order to be classified as a flue, such duct, pipe, stack, chimney or conduit shall be of such a nature as to permit the performance of the test methods and procedures specified in Chapter 139 of this Title (relating to sampling and testing).

(17) Fugitive air contaminant - Any air contaminant emitted into the outdoor atmosphere in any manner other than through a flue.

(18) Harrisburg air basin - The following political subdivisions in Cumberland County: Camp Hill Borough, East Pennsboro Township, Lemoyne Borough, New Cumberland Borough, West Fairview Borough, Wormleysburg Borough, and the following political subdivisions in Dauphin County: City of Harrisburg, Highspire Borough, Lower Swatara Township, Middletown Borough, Paxtang Borough, Penbrook Borough, Royalton Borough, Steelton Borough, Susquehanna Township and Swatara Township.

(19) Johnstown air basin - The following political subdivisions in Cambria County: Brownstown Borough, Conemaugh Township, Daisytown Borough, Dale Borough, East Conemaugh Borough, East Taylor Township, Ferndale Borough, Franklin Borough, Geistown Borough, City of Johnstown, Lorain Borough, Lower Yoder Township, Middle Taylor Township, Southmont Borough, Stoneycreek Township, Upper Yoder Township, West Taylor Township and Westmont Borough.

(20) Lancaster air basin - The following political subdivisions in Lancaster County: East Petersburg Borough, City of Lancaster, Lancaster Township, Manheim Township and Millersville Borough.

(21) Malodor - Any odor which causes annoyance or discomfort to the public and which the Department determines to be objectionable to the public.

(22) Mobil air contamination source - Any vehicular air contamination source, including but not limited to automobiles, trucks, tractors, buses and other motor vehicles, railroad locomotives, ships, boats and other water-borne craft, but not including any source mounted on a vehicle whether such mounting is permanent or temporary, which source is not used to supply power to the vehicle.

(23) Modification - Any physical change in a source or any change in the method of operation of a source which would increase the amount of any air contaminant emitted by such source or which would result in the emission of any air contaminant not previously emitted, except that routine maintenance, repair, and replacement shall not be considered physical changes.

(24) Monongahela Valley air basin - The following political subdivisions in Fayette County: Belle Vernon Borough, Brownsville Borough, Brownsville Township, Fayette City Borough, Jefferson Township, Newell Borough, Washington Township, and the following political subdivisions in Washington County: Allenport Borough, California Borough, Carroll Township, Charleroi Borough, Coal Center Borough, Donora Borough, Dunlevy Borough, Fallowfield Township, Finleyville Borough, Long Branch Borough, Monongahela City, New Eagle Borough, North Charleroi Borough, Roscoe Borough, Stockdale Borough, Twilight Borough, Union Township, West Brownsville Borough, and the following political subdivisions in Westmoreland County: Monessen City, North Belle Vernon Borough, Rostraver Township and West Newton Borough.

(25) Non-specific particulate matter - Particulate matter which is non-odorous and non-irritating, including but not limited to alundum, calcium carbonate, cellulose, portland cement, graphite, gypsum, limestone, magnesite, starch, tin oxide and glycerine mist.

(26) Opacity - The degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(27) Open burning - Any fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

(28) Particulate matter - Any material, except uncombined water, that is or has been airborne and exists as a solid or liquid at 70°F and 14.7 pounds per square inch absolute pressure.

(29) Potential emission rate - The total weight rate at which a particular air contaminant, in the absence of any air cleaning devices, would be emitted per unit of time from an air contamination source when such source is operated at its rated capacity.

(30) Process - Any method, reaction, or operation wherein materials are handled or whereby materials undergo physical change (i.e. the size, shape, appearance, temperature, state or other physical property of the material is altered) or chemical change (i.e. a substance or substances with different chemical composition or properties are formed or created). A process includes all of the equipment and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several processes in series or in parallel necessary to the manufacture of a product.

(31) Rating - The operating limit of a source as stated by the manufacturer of the source or as determined by good engineering judgement.

(32) Reading air basin - The following political subdivisions in Berks County: Bern Township, Cumru Township, Kenhorst Borough, Laureldale Borough, Leesport Borough, Lower Alsace Township, Mohnton Borough, Mt. Penn Borough, Muhlenberg Township, City of Reading, Shillington Borough, Sinking Spring Borough, Spring Township, St. Lawrence Borough, Temple Borough, West Lawn Borough, West Reading Borough, Wyomissing Borough, and Wyomissing Hills Borough.

(33) Scranton, Wilkes-Barre air basin - The following political subdivisions in Lackawanna County: Archbald Borough, Blakely Borough, Dickson City Borough, Dunmore Borough, Jessup Borough, Moosic Borough, Old Forge Borough, Olyphant Borough, City of Scranton, Taylor Borough, Throop Borough, and the following political subdivisions in Luzerne County: Ashley Borough, Avoca Borough, Courtdale Borough, Dupont Borough, Edwardsville Borough, Exeter Borough, Forty Fort Borough, Hanover Township, Hughestown Borough, Jenkins Township, Kingston Borough, Laflin Borough, Larksville Borough, Laurel Run Borough, Luzerne Borough, City of Nanticoke, City of Pittston, Pittston Township, Plains Township, Plymouth Borough, Plymouth Township, Pringle Borough, Sugar Notch Borough, Swoyersville Borough, Warrior Run Borough, West Pittston Borough, West Wyoming Borough, City of Wilkes-Barre Township, Wyoming Borough and Yatesville Borough.

(34) Source - Air contamination source.

(35) Southeast Pennsylvania air basin - The following counties: Bucks, Chester, Delaware, Montgomery and Philadelphia.

(36) Standard conditions - 70°F and 14.7 pounds per square inch absolute pressure.

(37) Volatile organic compound - Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element and which has a vapor pressure of at least 1.5 pounds per square inch absolute under actual storage conditions.

(38) York air basin - The following political subdivisions in York County: Manchester Township, North York Borough, Spring Garden Township, Springettsbury Township, West Manchester Township, West York Borough and City of York.

(2.0) 121.2 Purpose

The purpose of this Article is to:

(1) Provide for the control and prevention of air pollution anywhere in this Commonwealth, except as expressly excluded in the act or otherwise noted in this Article; and

(2) Provide guidance for the design and operation of sources.

(2.0) 121.3 Applicability of this Article.

The provisions of this Article shall apply in all regions of this Commonwealth, unless otherwise clearly noted.

(2.0) 121.4 Regional organization of the Department.

The following regions are established for purposes of air pollution control and include the indicated counties:

Region 1: Bucks, Chester, Delaware, Montgomery, Philadelphia.

Region 11 N: Bradford, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Tioga, Wayne, Wyoming.

Region 11 S: Berks, Carbon, Lehigh, Northampton, Schuylkill.

Region 111: Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York.

Region 1V: Bedford, Clair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset, Union.

Region V: Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington, Westmoreland.

Region VI: Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venago, Warren.

(2.0) 121.5 Referrals from associations.

(a) Complaints received by an association alleging that an air contamination source within the region of the association is causing air pollution shall be referred to the Department, in writing, within three months after its receipt by the association. Unless circumstances indicate otherwise, the computation of the three-month period shall run from the date that a complaint is originally received at the regional office of the Department.

(b) In referring complaints to the Department, the association shall state what efforts it has undertaken to resolve complaints, as provided in 6 of the act (35 P.S. 4006).

(16.0) 121.6 Requests for hearings.

The Board shall entertain a written request for a hearing by any party aggrieved by any order, permit, license or decision of the Department provided that the provisions of Chapter 21 of this Title (relating to rules of practice and procedure) are complied with.

(2.0) 121.7 Prohibition of air pollution.

No person shall cause, suffer, or permit air pollution as that term is defined in the act.

(6.0) 121.8 Compliance responsibilities.

Compliance with any provision of this Title shall not relieve any person of the responsibility to comply with any other provision of this Title, except when such relief has been clearly provided for in this Title.

(2.0) 121.9 Circumvention.

No person shall cause, suffer or permit the use of any device or technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of the provisions of this Article, except that with prior approval of the Department, such devices or techniques may be used for control of malodors.

(2.0) 121.10 Existing orders.

All orders and permits issued and all stipulations and agreements entered into by the Department prior to the effective date of this section shall continue in full force and effect, but no such order, permit, stipulation or agreement shall relieve any person from the responsibility to fully comply with all applicable provisions of this Article.

(2.0) 121.11 Severability clause.

The provisions of this Article shall be severable. If any provision of this Article is found by a court of record to be unconstitutional or void, the remaining provisions of the Article shall, nevertheless, remain valid unless the court finds the valid provisions of the Article are so essentially and inseparably connected with, and so depend upon, the void provision, that it cannot be presumed that the Environmental Quality Board would have adopted the remaining valid provisions without the void ones, or unless the court finds the remaining valid provisions standing alone, are incomplete and are incapable of being executed in accordance with the Environmental Quality Board's intent.

(50.0) CHAPTER 123. STANDARDS FOR CONTAMINANTS

Authority

FUGITIVE EMISSIONS

(50.1.3) 123.1 Prohibition of certain fugitive emissions.

(a) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of any fugitive air contaminant from any source except from:

(1) Construction or demolition of buildings or structures.

(2) Grading, paving and maintenance of roads and streets.

(3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment shall not be considered as emissions from use of roads and streets.

(4) Clearing of land.

(5) Tilling or applying amendments to the soil, preparing cover crops for incorporation into the soil and harvesting, while farming.

(6) Stockpiling of materials.

(7) Open burning operations.

(8) Blasting in open pit mines. Emissions from drilling shall not be considered as emissions from blasting.

(9) Other sources and classes of sources determined by the Department to be of minor significance with respect to the achievement and maintenance of ambient air quality standards or with respect to causing air pollution.

(b) Any person responsible for any source specified in items (1) through (9) of subsection (a) of this section shall take all reasonable actions to prevent particulate matter from becoming airborne. Such actions shall include, but not be limited to, the following:

(1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads or the clearing of land.

(2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles, and other surfaces which can give rise to airborne dusts.

(3) Conduct of agricultural practices such as tilling of land, application of fertilizers, etc., in such a manner as to minimize dust from becoming airborne.

(4) The paving and maintenance of roadways.

(5) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

(50.1) 123.2 Fugitive particulate matter.

No person shall cause, suffer, or permit fugitive particulate matter to be emitted into the outdoor atmosphere from any source or sources specified in items (1) through (9) of 123.1 (a) of this Title (relating to prohibition of certain emissions) if such emissions are:

(1) Either visible, at any time, at the point such emissions pass outside the person's property, irrespective of the concentration of particulate matter in such emissions; or

(2) Not visible at the point such emissions pass outside the person's property and the average concentration, above background, of three samples, of such emissions at any point outside the person's property, exceeds 150 particles per cubic centimeter.

PARTICULATE MATTER EMISSIONS

(51.5) 123.11 Combustion units.

(a) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of particulate matter, at any time, from any combustion unit in excess of:

(1) The rate of 0.4 lbs. per million BTU of heat input, when the heat input to the combustion unit in millions of BTUs per hour is greater than 2.5 but less than 50.

(2) The rate determined by the formula:

$A = 3.6E^{0.56}$ where:
A = Allowable emissions in lbs. per million BTU of heat input, and
E = Heat input to the combustion unit in millions of BTUs per hour.

when E is equal to or greater than 50 but less than 600.

(3) The rate of 0.1 lbs. per million BTU of heat input when the heat input to the combustion unit in millions of BTUs per hour is equal to or greater than 600.

(b) Allowable emissions under subsection (a) of this section are graphically indicated in Figure 1 appended to this Chapter.

(51.9) 123.12 Incinerators.

No person shall cause, suffer, or permit the emission to the outdoor atmosphere of particulate matter from any incinerator, at any time, in such a manner that the particulate matter concentration in the effluent gas exceeds 0.1 grains per dry standard cubic foot, corrected to 12% CO_2.

(50.1.1) 123.13 Processes.

(a) Subsections (b) and (c) of this section shall apply to all processes except combustion units and incinerators.

(b) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of particulate matter from any process listed in Table 1, at any time, either in excess of the rate calculated by the following formula or in such a manner that the concentration of particulate matter in the effluent gas exceeds 0.02 grains per dry standard cubic foot, whichever is greater:

$A = 0.76E^{0.42}$, where:
A = Allowable emissions in lbs/hr
E = Emission index = F x W lbs/hr
F = Process factor in lbs/unit, and
W = Production or charging rate in units/hr

. The factor F shall be obtained from Table 1. The units for F and W shall be compatible.

Allowable emissions under this subsection are graphically indicated in Figure 2 appended to this Chapter.

(c) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of particulate matter from any process not listed in Table 1 in such a manner that the concentration of particulate matter in the effluent gas, at any time, exceeds:

(1) 0.04 grains per dry standard cubic foot, when the effluent gas volume is less than 150,000 dry standard cubic feet per minute.

(2) The rate determined by the formula:

$A = 6000E^{1}$ where:
A = Allowable emissions in grains per dry standard cubic foot, and
E = Effluent gas volume in dry standard cubic feet per minute,

when E is equal to or greater than 150,000 but less than 300,000.

(3) 0.02 grains per dry standard cubic foot, when the effluent gas volume is greater than 300,000 dry standard cubic feet per minute.

Allowable emissions under this subsection are graphically indicated in Figure 3 appended to this Chapter.

TABLE 1

	Process	Process Factor, F
1.	Carbon black mfg.	500 lbs./ton of product
2.	Charcoal mfg.	400 lbs./ton of product
3.	crushers or grinders or screens	20 lbs./ton of feed
4.	Paint mfg.	0.05 lbs./ton of pigment handled
5.	Phosphoric acid mfg.	6 lbs./ton of phosphorous burned
6.	Detergent drying	30 lbs./ton of product
7.	Alfalfa dehydration	30 lbs./ton of product
8.	Grain elevators:	
	Loading or unloading	90 lbs./ton of grain
9.	Grain screening and cleaning	300 lbs./ton of grain
10.	Grain drying	200 lbs./ton of product
11.	Meat smoking	0.01 lbs./ton of meat
12.	Ammonium nitrate mfg:	
	Granulator	0.1 lbs./ton of product
13.	Ferroalloy production furnace	0.3 lbs./ton of product
14.	Primary iron and/or steel making:	
	Iron production	100 lbs./ton of product
	Sintering: windbox	20 lbs./ton of dry solids feed
	Steel production	40 lbs./ton of product
	Scarfing	20 lbs./ton of product
15.	Primary lead production:	
	Roasting	0.004 lbs./ton of ore feed
	Sintering: windbox	0.2 lbs./ton of sinter
	Lead reduction	0.5 lbs./ton of product
16.	Primary zinc production:	
	Roasting	3 lbs./ton of ore feed
	Sintering: windbox	2 lbs./ton of product
	Zinc reduction	10 lbs./ton of product
17.	Secondary aluminum production:	
	Sweating	50 lbs./ton of aluminum product
	Melting and refining	10 lbs./ton of aluminum feed
18.	Brass and bronze production:	
	Melting and refining	20 lbs./ton of product
19.	Iron foundry:	
	Melting:	
	5T./hr and less	150 lbs./ton of iron
	More than 5T./hr	50 lbs./ton of iron
	Sand handling	20 lbs./ton of sand
	Shake-out	20 lbs./ton of sand
20.	Secondary lead smelting	0.5 lbs./ton of product
21.	Secondary magnesium smelting	0.2 lbs./ton of product
22.	Secondary zinc smelting:	
	Sweating	0.01 lbs./ton of product
	Refining	0.3 lbs./ton of product
23.	Asphaltic concrete production	6 lbs./ton of aggregate feed
24.	Asphalt roofing mfg:	
	Felt saturation	0.6 lbs./ton of asphalt used

TABLE 1

Process	Process Factor, F
25. Portland cement mfg:	
Clinker production	150 lbs./ton of dry solids feed
Clinker cooling	50 lbs./ton of product
26. Coal drying	2 lbs./ton of product
27. Coal dry-cleaning	2 lbs./ton of product
28. Lime calcining	200 lbs./ton of product
29. Petroleum refining:	
Catalytic cracking	40 lbs./ton of liquid feed
30. Pressed, blown and spun glass; glass production melting furnace	50 lbs./ton of fill

(50.2) SULFUR COMPOUND EMISSIONS

(2.0) 123.21 General.

(a) Subsection (b) of this section shall apply to all sources except those subject to the provisions of other sections of this Article, with respect to the control of sulfur compound emissions.

(b) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of sulfur oxides, from any source, in such a manner that the concentration, at any time, of the sulfur oxides, expressed as SO_2, in the effluent gas exceeds 500 parts per million, by volume (dry basis).

(51.6) 123.22 Combustion units.

(a) (1) Clause (2) of this subsection shall apply to all combustion units in all the air basins except those units subject to the provisions of subsection (b) of this section.

(2) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO_2, from any combustion unit, at any time, in excess of:

(i) The rate of 3.0 lbs. per million BTU of heat input when the heat input to the combustion unit in millions of BTUs per hour is greater than 2.5 but less than 50.

(ii) The rate determined by the formula:

$A = 5.1E^{0.14}$ where:
A = Allowable emissions in lbs. per million BTU of heat input, and
E = Heat input to the combustion unit in millions of BTUs per hour,

when E is equal to or greater than 50 but less than 2,000.

(iii) The rate of 1.8 lbs. per million BTU of heat input when the heat input to the combustion unit in millions of BTUs per hour is euqal to or greater than 2,000.

(b) (1) Clause (2) of this subsection shall apply to all combustion units in the Allegheny County, Beaver Valley, Monongahela Valley and Southwest Pennsylvania air basins.

(2) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO_2, from any combustion unit, at any time, in excess of:

(i) The rate of 1.0 lb. per million BTU of heat input, when the heat input to the combustion unit in millions of BTUs per hour is greater than 2.5 but less than 50.

(ii) The rate determined by the formula:

$A = 1.7E^{0.14}$, where:
A = Allowable emissions in lbs. per million BTU of heat input, and
E = Heat input to the combustion unit in millions of BTUs per hour,

when E is equal to or greater than 50 but less than 2,000.

(iii) The rate of 0.6 lbs. per million BTU of heat input when the heat input to the combustion unit in millions of BTUs per hour is equal to or greater than 2,000.

(c) (1) Clause (2) of this subsection shall apply to all combustion units not subject to the provisions of subsections (a) and (b) of this section.

(2) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO_2, from any combustion unit, at any time, in excess of the rate of 4.0 lbs. per million BTU of heat input

(d) Allowable emissions under this section are graphically indicated in Figure 4 appended to this Chapter.

(51.2) 123.23 By-product coke oven gas.

(a) No person shall cause, suffer or permit the emission of by-product coke oven gas into the outdoor atmosphere unless such gas is first burned.

(b) No person shall cause, suffer or permit the flaring or combustion of any coke oven by-product gas that contains sulfur compounds, measured as hydrogen sulfide, in concentrations greater than 50 grains per 100 dry standard cubic feet.

(51.11) 123.24 Primary Zinc Smelters.

(a) No person shall cause, suffer or permit the emission into the outdoor atmosphere of sulfur oxides, from any zinc roasting operation in such a manner that the concentration of sulfur oxides, expressed as SO_2 in the effluent gas exceeds 500 parts per million by volume (dry basis) calculated as a two-hour moving average.

(b) No person shall cause, suffer or permit the emission into the outdoor atmosphere of sulfur oxides, from any zinc sintering operation, at any time in excess of the rate calculated by the following formula:

Y = 0.054X where:
X = Calcine feed rate to the sinter plant (lbs./hr)
Y = Allowable sulfur oxide emissions (lbs./hr)

ODOR EMISSIONS

(50.6) 123.31 Limitations.

(a) (1) No person shall cause, suffer, or permit, at any time, any emissions from the following processes unless the emissions have been incinerated at at least 1200°F for at least 0.3 seconds prior to their emissions into the outdoor atmosphere. Chip dryers, animal blood dryers, asphalt roof manufacture, brake shoe debonding operations, core ovens, rendering cookers, varnish cookers, paint-baking ovens, meat smokehouses other than those in single family farms, plastic curing ovens, fabric-backing and fabric coating baking ovens, ovens for curing of binders in mineral wool production, meat processing other than in single family farms, tear gas manufacture and sources of hydrogen sulfide or mercaptans.

(2) Techniques other than incineration may be used to comply with the provisions of Clause (1) of this subsection if it is shown to the satisfaction of the Department that such techniques are equivalent to or better than the required incineration in terms of control of the odor emissions.

(b) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source whatsoever, including those in compliance with the provisions of subsection (a) of this section, in such a manner that the malodors are detectable beyond the person's property.

VISIBLE EMISSIONS

(50.1.2) 123.41 Limitations.

No person shall cause, suffer, or permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is:

(1) Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any one hour; or

(2) Equal to or greater than 60% at any time.

123.42 Exceptions.

The limitations of 123.41 of this Title (relating to limitations on visible emissions) shall not apply to any visible emission:

(1) When the presence of uncombined water is the only reason for failure of the emission to meet the limitations;

(2) Resulting from the operation of equipment used solely to train and test persons in observing the opacity of visible emissions; and

(3) From sources specified in items (1) through (9) of 123.1 (a) of this Title (relating to permitted fugitive emissions).

(9.0) 123.43 Measuring techniques.

Visible emissions may be measured using:

(1) Any device approved by the Department and maintained to provide accurate opacity measurements; or

(2) Observers, trained and qualified to measure plume opacity with the naked eye or with the aid of any devices approved by the Department.

FIGURE 1

PARTICULATE MATTER-COMBUSTION UNITS

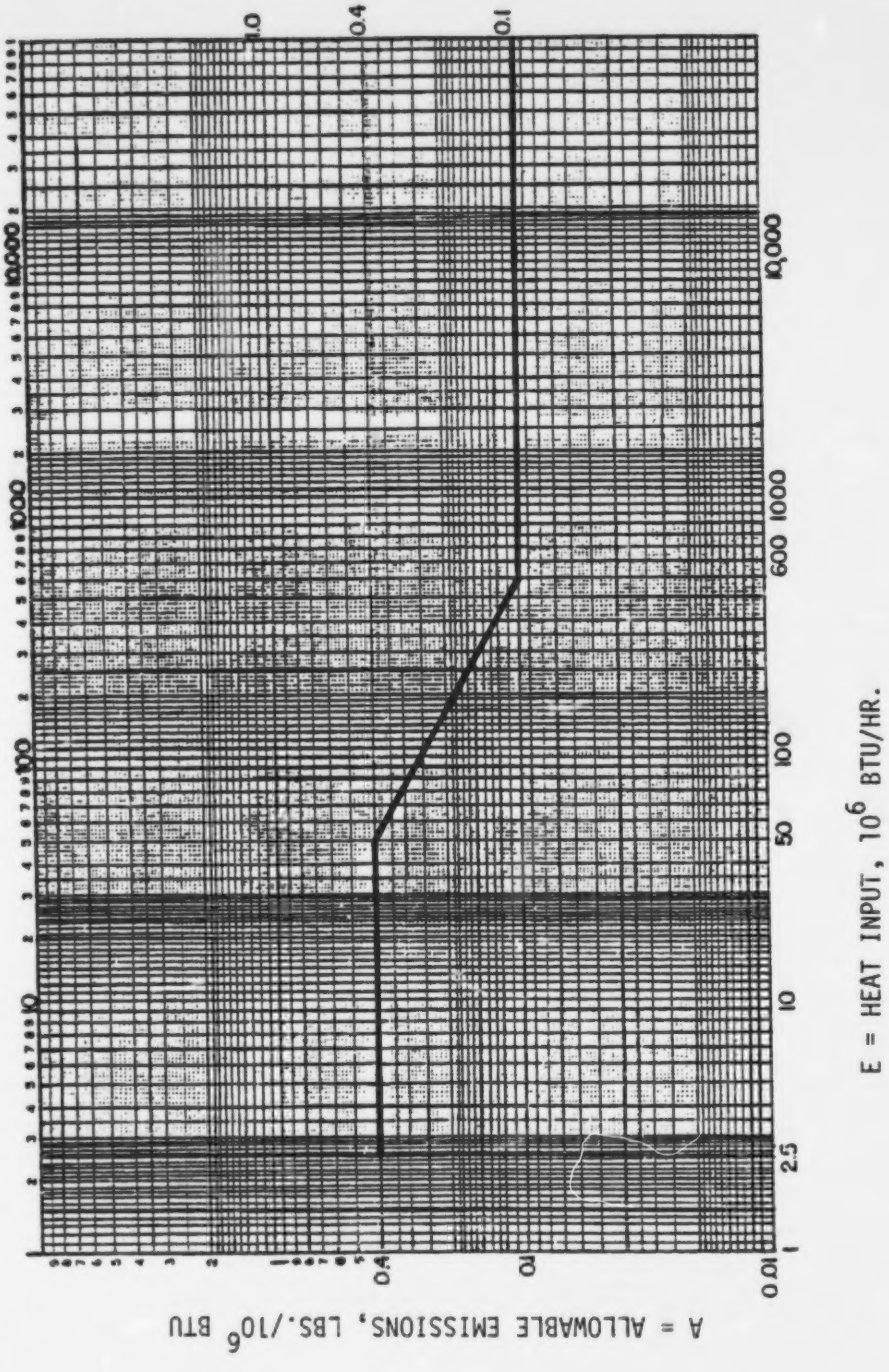


FIGURE 2

PARTICULATE MATTER - PROCESSES LISTED IN TABLE 1

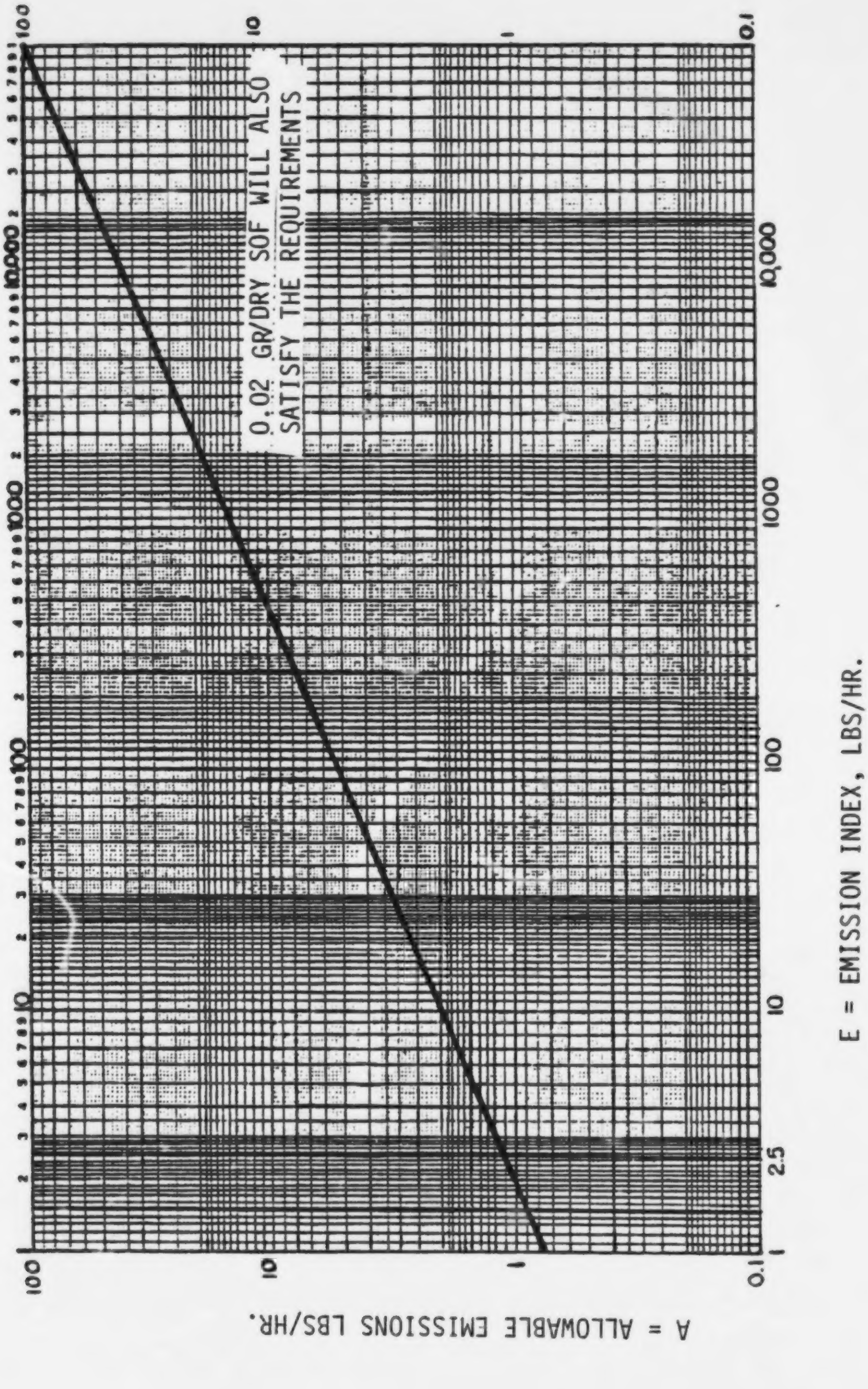


FIGURE 3

PARTICULATE MATTER - PROCESSES NOT LISTED IN TABLE 1

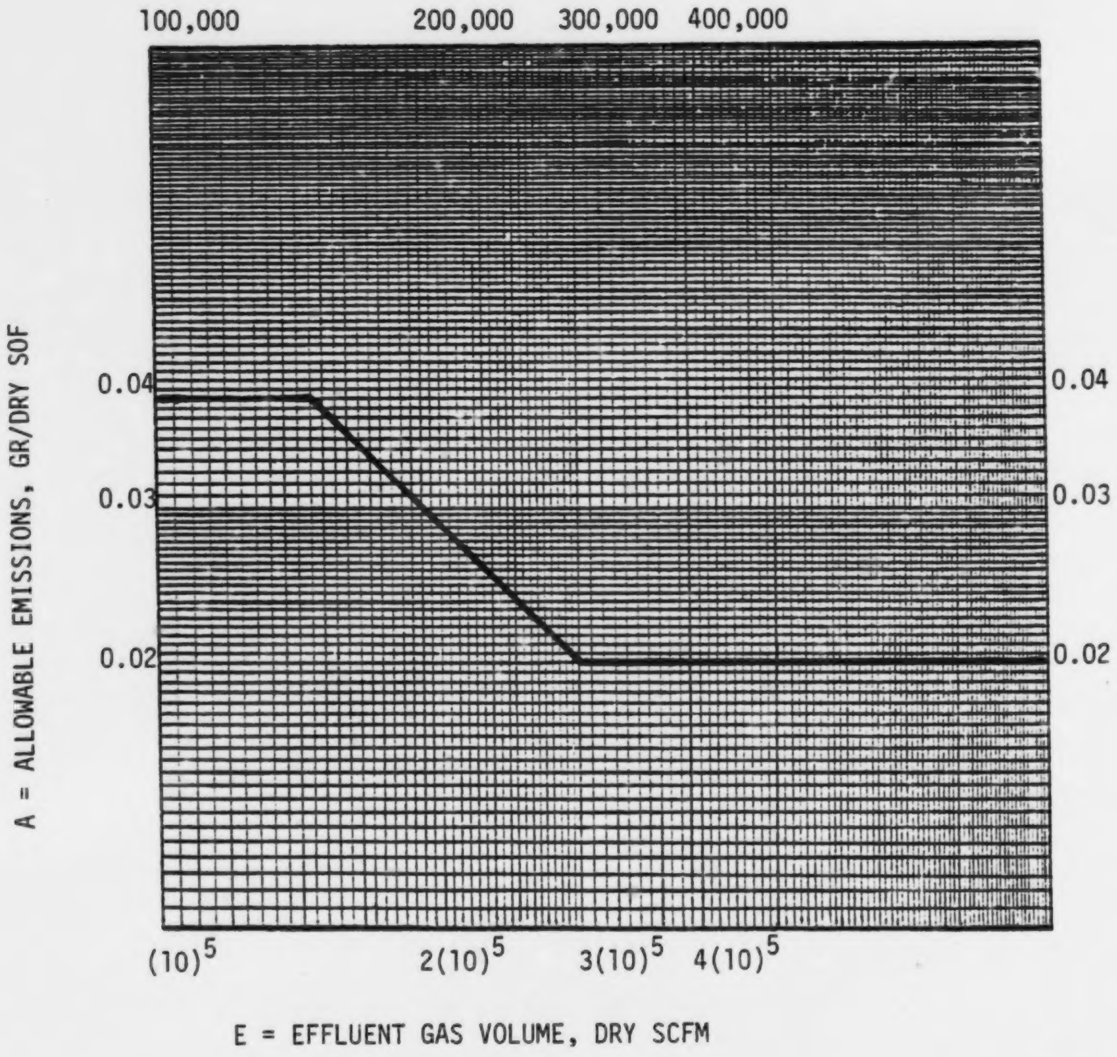


FIGURE 4

SULFUR OXIDES - COMBUSTION UNITS

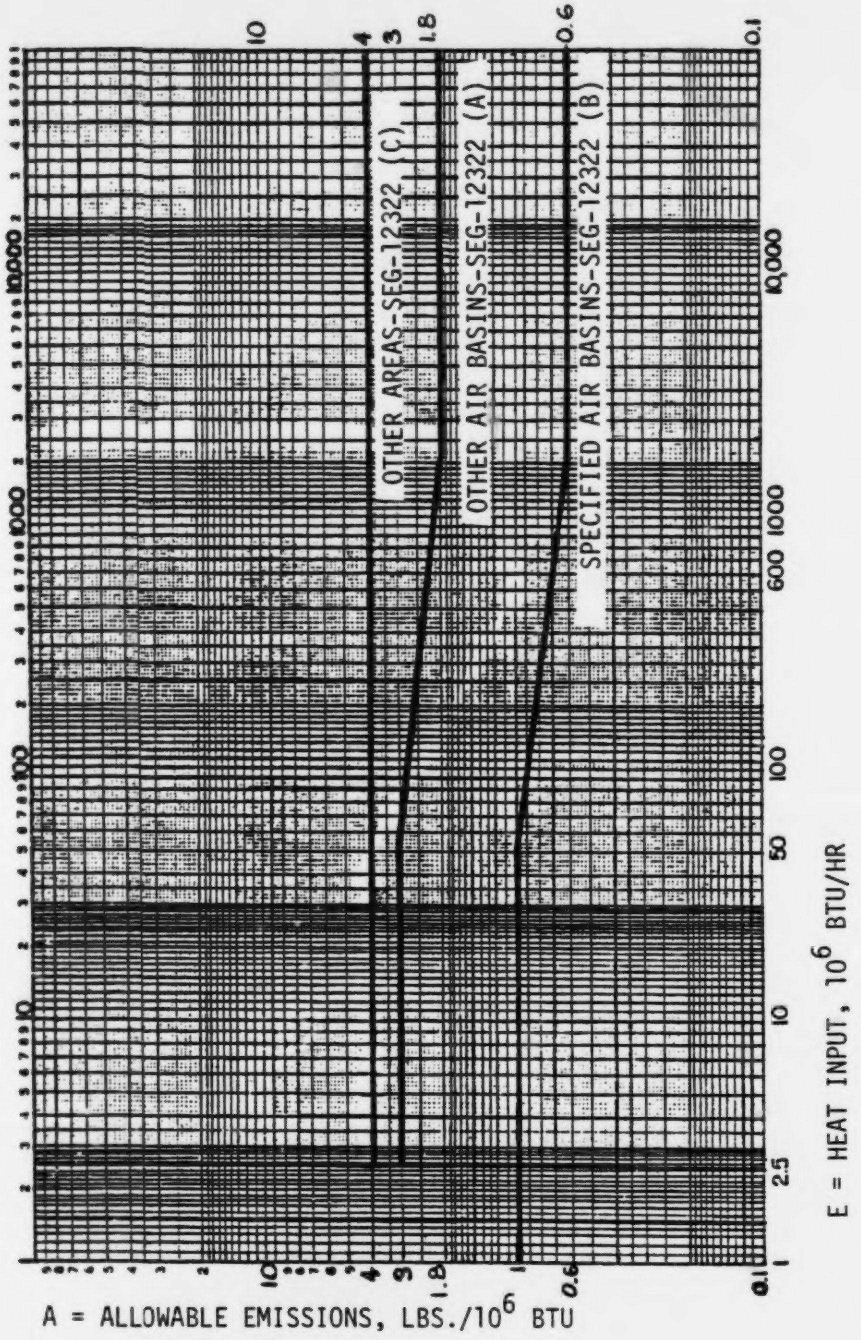
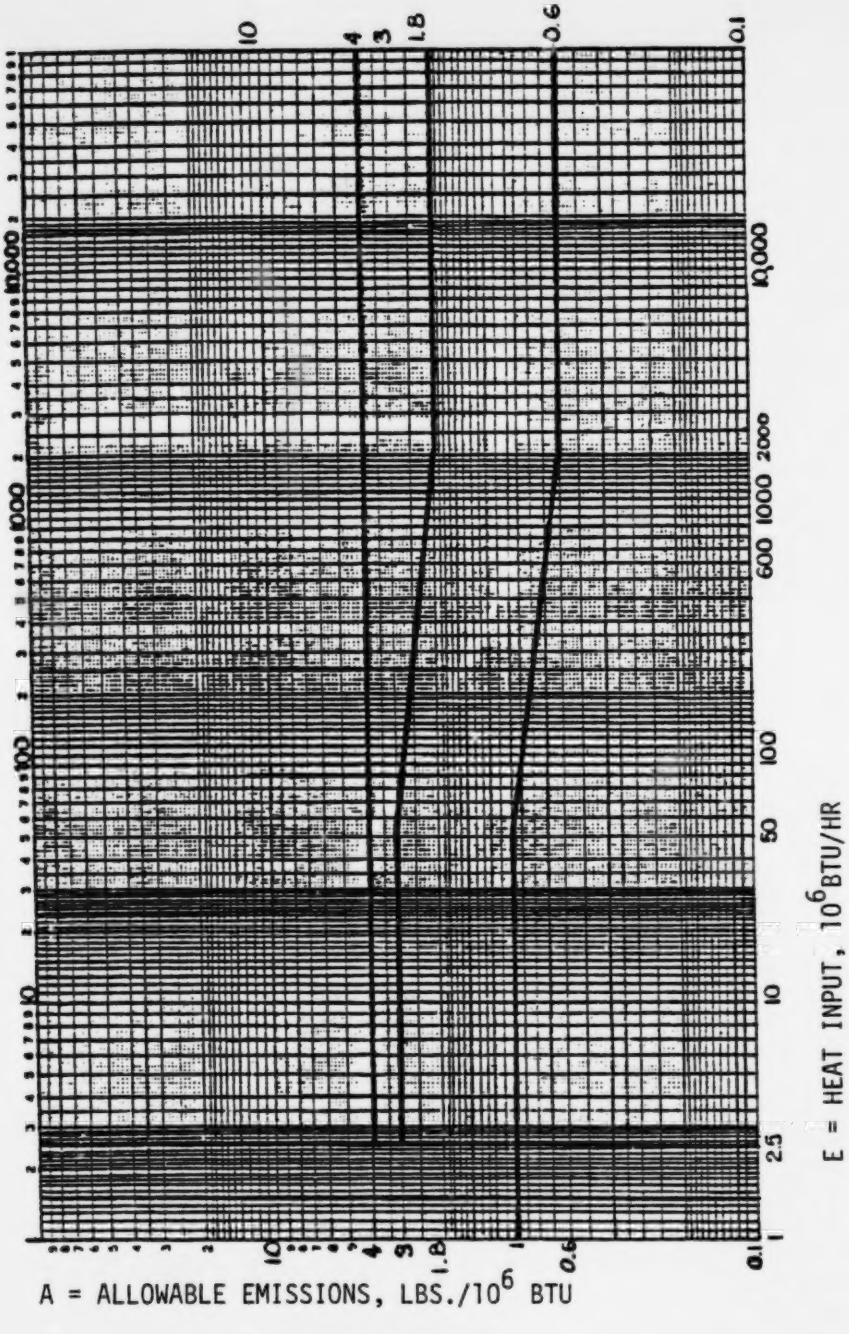


FIGURE 4

SULFUR OXIDES - COMBUSTION UNITS



Correction Sheet

(3.0) CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES

GENERAL

(2.0) 127.1 Purpose.

It is intended that by the application of the provisions of this Article, air quality shall be maintained at existing levels in those areas where the existing ambient air quality is better than the applicable ambient air quality standards, and that air quality shall be improved to achieve the applicable ambient air quality standards in those areas where the existing air quality is worse than the applicable ambient air quality standards. In accordance with this intent it is the purpose of this Chapter to insure that all new sources shall conform to the applicable standards of this Article and that they shall not result in producing ambient air contaminant concentrations in excess of those specified in Chapter 131 of this Title (relating to ambient air quality standards). It is further the intent of this Chapter to insure that in those areas of this Commonwealth where concentrations of air contaminants are significantly lower than those specified in Chapter 131 of this Title (relating to ambient air quality standards), new sources shall not be established unless it is affirmatively demonstrated that:

(1) The establishment of such new sources is justifiable as a result of necessary economic or social development;

(2) Such new sources shall not result in the creation of air pollution as defined in section 3 of the act (35 P.S. 4003);

(3) Such new sources shall conform to all applicable standards of this Article;

(4) Such new sources shall not result in the creation of ambient air contaminant concentrations in excess of those specified in Chapter 131 of this Title (relating to ambient air quality standards); and

(5) Such new sources shall control the emission of air pollutants to the maximum extent, consistent with the best available technology.

PLAN APPROVAL

(2.0) 127.11 Requirements.

No person shall cause, suffer, or permit the construction or modification of any air contamination source or the reactivation of any air contamination source after said source has been out of operation or production for a period of one year or more, or the installation of any air cleaning device on any air contamination source, unless such construction, modification, reactivation or installation has been approved by the Department.

(3.0) 127.12 Content of applications.

(a) Applications for approval shall:

(1) Identify the location of the source.

(2) Contain such information as is requested by the Department and as is necessary to perform a thorough evaluation of the air contamination aspects of the source.

(3) Show that the source will be equipped with reasonable and adequate facilities to monitor and record the emissions of air contaminants and any operating conditions that may affect the emissions of air contaminants.

(4) Show that the source will comply with all applicable requirements of this Article and those requirements promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act.

(5) Show that the emissions from a new source will be the minimum attainable through the use of the best available technology.

(6) When requested by the Department, show that the source will not prevent or adversely affect the attainment or maintenance of ambient air quality standards.

(7) Contain a plan of action for the reduction of emissions during each level specified in Chapter 137 of this Title (relating to air pollution episodes).

(b) The Department shall not approve any application unless the application meets the requirements of subsection (a) of this section. Any approval may be granted with appropriate conditions.

(2.0) 127.13 Extensions.

Any approval granted by the Department shall be valid for a limited period of time, specified by the Department in the approval. At the end of such time, if the construction, modification, reactivation or installation has not been completed, a new approval or an extension of the previous approval shall be required. The Department shall not grant any extension unless the application for and the conditions on the previous approval were such that any new approval would be essentially a duplication of the previous approval.

(2.0) 127.14 Exemptions.

Approval shall not be required for the construction, modification, reactivation or installation of:

(1) Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.

(2) Combustion units rated at 2,500,000 or less BTU per hour of heat input.

(3) Combustion units fueled by natural gas supplied by a public utility and used only for space heating, air conditioning or heating water.

(4) Sources used in residential premises designed to house four or less families.

(5) Space heaters that heat by direct heat transfer.

(6) Mobile sources.

(7) Laboratory equipment used exclusively for chemical or physical analyses.

(8) Other sources and classes of sources determined to be of minor significance by the Department.

PERMIT TO OPERATE

(2.0) 127.21 Requirements.

No person shall cause, suffer, or permit the operation of any source the construction, modification or reactivation of which, or the installation of air cleaning device on which, is subject to the provisions of 127.11 of this Title (relating to requirements for plan approval), unless the Department has issued a permit to operate such source.

(3.0) 127.22 Content of applications.

(a) Applications for permits shall:

(1) Contain the name, title, address and telephone number of the individual responsible for the operation of the source.

(2) Contain such information as is requested by the Department and as is necessary to perform a thorough evaluation of the air contamination aspects of the source.

(3) Show that the construction, modification, reactivation or installation has been completed in accordance with the approval.

(4) Show that the source is equipped with reasonable and adequate facilities to monitor and record the emissions of air contaminants and any operating conditions that may affect the emissions of air contaminants, that such records are being and will continue to be maintained and that such records will be submitted to the Department at specified intervals or upon request.

(5) Show that the source is, is capable of being and will continue to be in compliance with all the applicable requirements of this Article and those requirements promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act.

(6) Show that the emissions from a new source are the minimum attainable through the use of best available technology.

(7) When requested by the Department, show that the source is being, is capable of being, and will continue to be operated in such a manner as not to cause any violation of the ambient air quality standards.

(8) Show that the source and the air cleaning devices are being, are capable of being, and will continue to be operated and maintained in accordance with good air pollution control practices.

(b) The Department shall not issue any permit unless the application meets the requirements of subsection (a) of this section. Any permit may be granted with appropriate conditions.

(3.0) 127.23 Temporary permits.

(a) The Department may issue temporary permits to facilitate shakedown of sources and air cleaning devices, to permit operations pending the issuance of permits specified in 127.21 of this Title (relating to permit requirements), or to permit the evaluation of the air contamination aspects of the source.

(b) Any temporary permit issued shall be valid for a limited period of time, not to exceed 60 days, but may be extended for additional limited periods each not to exceed 60 days.

(c) No temporary permit shall be issued or extended which may circumvent the requirements of this Chapter.

(2.0) 127.24 Extensions.

Any permit issued by the Department shall be valid for a limited period of time, specified by the Department in the permit. Before the expiration of the permit, a new permit or an extension of the previous permit shall be obtained for continued operation of the source. The Department shall not grant any extension unless the application for and the conditions on the previous permit were such that any new permit would be essentially a duplication of the previous permit.

MISCELLANEOUS PROVISIONS

(3.0) 127.31 Procedure for denying, revoking or suspending an approval or a permit.

(a) Whenever the Department intends to take action to disapprove plans submitted to it, or to deny, revoke or suspend any approval or permit, it shall notify the person involved, in writing, of its intention setting forth the reasons for its action.

(b) If, within 30 days of the issuance of such notification, the person files with the Board a request for a hearing and complies with the provisions of 121.6 of this Title (relating to requests for hearings), the Board shall thereafter schedule a hearing to review the action of the Department and thereafter enter an adjudication either affirming, reversing or modifying the action of the Department.

(c) If, however, no appeal has been filed within the 30-day period, the approval shall be denied, or application for permit shall be refused, or the approval or permit shall be revoked or suspended, as the case may be.

(3.0) 127.32 Transfer of approvals and permits.

(a) No approval or permit shall be transferred from one person to another.

(b) Any approval or permit shall be valid only for that specific source and that specific location of the source as described in the application and shall not be valid for any other source or location of the source.

(2.0) 127.33 Notice of sale of equipment.

(a) Any person who sells or distributes within this Commonwealth any air cleaning device or source subject to the provisions of 127.11 of this Title (relating to requirements for plan approval), shall, within five (5) days of the sale thereof, file with the Department a notice of sale which shall include:

(1) Name and address of purchaser.

(2) Brief description of article sold and its function and where it is to be installed.

(3) The specific terms and provisions of any and all warranties given to the purchaser.

(4) Signature of the person making the sale.

(5) Date of sale.

(b) Failure to file a notice of sale as required by subsection (a) of this section or the misrepresentation of any information contained in any such notice shall constitute a violation of this section.

(51.21) CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF ORGANIC COMPOUNDS

(2.0) 129.1 General.

(a) Sections 129.2, 129.3, 129.4, 129.5 and 129.6 of this Title(relating to sources of organic compounds) are applicable to all sources within the Allegheny County, Beaver Valley, Monongahela Valley and Southeast Pennsylvania air basins.

(b) Techniques other than those specified in 129.2, 129.3, 129.4, 129.5 and 129.6 of this Title (relating to sources of organic compounds) may be used to comply with the requirements of these sections if it is shown to the satisfaction of the Department that such alternate techniques are equivalent to or better than those specified in these sections in terms of the control of organic compounds.

(51.16) 129.2 Storage

No person shall cause, suffer or permit the placing storing or holding in any stationary tank, reservoir or other container rated at more than 40,000 gallons, of any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:

(1) A floating roof, consisting of a pontoon type roof, double deck type roof or internal floating cover, which shall rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(51.16) 129.3 Loading facilities.

(a) No person shall cause, suffer or permit the loading of any volatile organic compounds into any vehicular tank rated at more than 200 gallons from any loading facility which loads 20,000 or more gallons in any one day, unless such loading facility is equipped with a vapor collection and disposal system as described in 129.2 (2) of this Title (relating to vapor recovery and disposal systems), properly installed, in good working order, and in operation.

(b) No person shall cause, suffer or permit the loading of any volatile organic compounds into any vehicular tank rated at more than 200 gallons *from any loading facility which loads 20,000 or more gallons in any one day,* unless such loading facility is equipped with a loading arm with a vapor collection adaptor and pneumatic, hydraulic, or other mechanical means to force a vapor-tight seal between the adaptor and the hatch of the tank. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is not connected to the hatch or to accomplish complete drainage before such removal. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

(51.16) 129.4 Water separators.

No person shall cause, suffer, or permit the use of any compartment of any single or multiple compartment volatile organic compound water separator which compartment receives effluent water containing 200 gallons a day or more of any volatile organic compound from any equipment processing, refining, treating, storing, or handling volatile organic compounds consisting of kerosene or more volatile organic materials, unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation:

(1) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A container equipped with a floating roof, consisting of a pontoon type roof, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2.0) 129.5 Pumps and compressors.

All pumps and compressors handling volatile organic compounds shall have mechanical seals.

(51.15) 129.6 Ethylene production plants.

No person shall cause, suffer or permit the emission into the outdoor atmosphere of any waste gas stream from any ethylene production plant or facility, unless the gas stream is properly burned at no less than 1,300° F for at least 0.3 seconds, except that no person shall cause, suffer or permit the emission of hydrocarbon gases into the outdoor atmosphere from any vapor blowdown system unless these gases are burned by smokeless flares.

MISCELLANEOUS SOURCES

(51.10) *129.11 Nitric acid plants.*

No person shall cause, suffer or permit the emission into the outdoor atmosphere, at any time, from any nitric acid production plant or facility, of nitrogen oxides, expressed as NO_2, in excess of the rate of 5.5 lbs. per ton of acid produced, the production being expressed as 100% HNO_3.

(51.18) 129.12 Sulfuric acid plants.

No person shall cause, suffer, or permit the emission into the outdoor atmosphere, at any time, from any sulfuric acid production plant or facility, of:

(1) Sulfur oxides, expressed as SO_2, in excess of the rate of 6.5 lbs. per ton of acid produced, or

(2) Sulfuric acid mist in excess of the rate of 0.5 lbs. per ton of acid produced, the production being expressed as 100% H_2SO_4.

(51.19) 129.13 Sulfur recovery plants.

(a) No person shall cause, suffer or permit the emission into the outdoor atmosphere, at any time, from any plant used for recovering elemental sulfur from gases containing sulfur compounds, or sulfur oxides, expressed as SO_2, in excess of the rate determined by the formula:

$A = 0.32E^{0.5}$ where:
A = Allowable emissions in lbs. of sulfur oxides per pound of sulfur compounds, expressed as S, in the feed gases, and
E = Recovery plant rating in long tons of sulfur per day.

(b) Allowable emissions under this section are graphically indicated in Figure 1 appended to this Chapter.

(51.13) 129.14 Open burning operations.

(a) No person shall cause, suffer or permit the open burning of any material in any air basin.

(b) No person shall cause, suffer or permit the open burning of any material in any area outside of air basins in such a manner that:

(1) The emissions are visible, at any time, at the point such emissions pass outside the person's property;

(2) Malodorous air contaminants from the open burning are detectable outside the person's property;

(3) The emissions interfere with the reasonable enjoyment of life or property;

(4) The emissions cause damage to vegetation or property; or

(5) The emissions are or may be deleterious to human or animal health.

(c) The requirements of subsections (a) and (b) of this section shall not apply where the open burning operations result from:

(1) Any fire set to prevent or abate a fire hazard, when approved by the Department and when set by or under the supervision of a public officer.

(2) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department.

(3) Any fire set for the prevention and control of disease or pests, when approved by the Department.

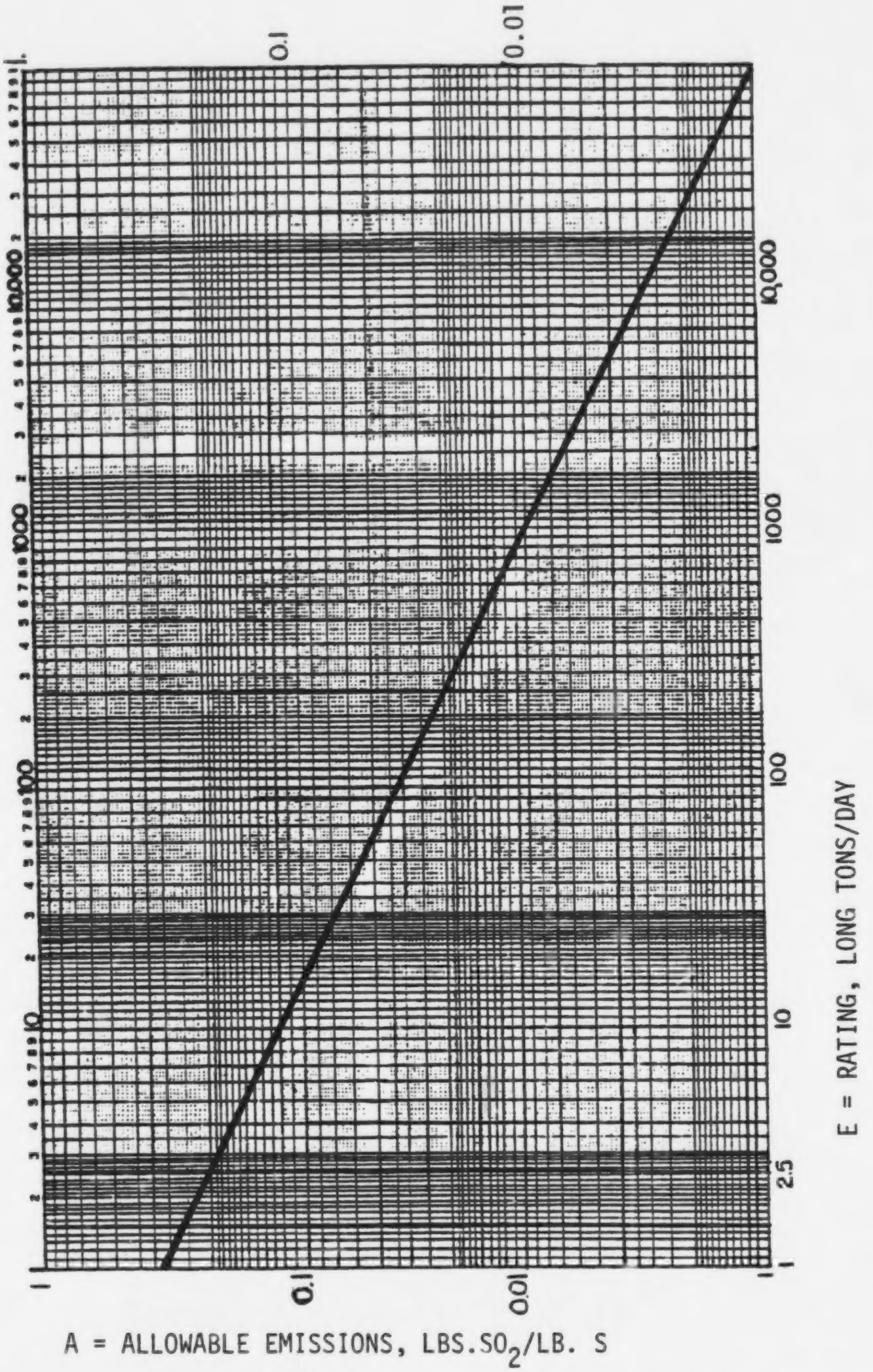
(4) Any fire set for the purpose of burning domestic refuse, when the fire is on the premises of any structure occupied solely as a dwelling by two families or less and when such refuse results from the normal occupancy of said structure.

(5) Any fire set solely for recreational or ceremonial purposes.

(6) Any fire set solely for cooking food.

FIGURE 1

SULFUR OXIDES - SULFUR RECOVERY PLANTS



(4.0) CHAPTER 131. AMBIENT AIR QUALITY STANDARDS

(2.0) 131.1 Purpose.

The purpose of this Chapter is to:

(1) Establish the maximum concentrations of air contaminants that shall be permitted to exist in the ambient air, at the point of its use, under various conditions and in various areas of this Commonwealth.

(2) Provide standards against which existing air quality may be compared.

(4.0) 131.2 National ambient air quality standards.

National Ambient Air Quality Standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act, are hereby incorporated, by reference, as part of the standards in 131.3 of this Title (relating to ambient air quality standards).

(4.0) 131.3 Ambient air quality standards.

The following standards shall apply and unless otherwise stated, are maximum values that shall not be exceeded:

		Concentrations Averaged Over		
Contaminant	1-Year	30-Days	24-Hours	1-Hour
Settled particulate (total)	0.8 mg/cm^2/mo.	1.5 mg/cm^2/mo.		
Lead	-	5 ug/m^3		
Beryllium	-	0.01 ug/m^3		
Sulfates (as H_2SO_4)	-	10 ug/m^3	30 ug/m^3	
Fluorides (total soluble, as HF)	-	-	5 ug/m^3	
Hydrogen sulfide	-	-	0.005ppm	0.1ppm

(2.0) 131.4 Application of ambient air quality standards.

The values specified in 131.2 and 131.3 of this Title (relating to ambient air quality standards) shall be considered as representing minimum quality, not necessarily desirable quality. Nothing contained in this Chapter shall be construed to preclude the Department from enforcing or applying any provision of this Article in areas where the ambient air quality is, or will be, at concentrations less than those specified in 131.2 and 131.3 of this Title (relating to ambient air quality standards).

(13.0) CHAPTER 135. REPORTING OF SOURCES

(1.0) 135.1 Definitions.

The following word, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

Modification - Any alteration which will, or might reasonably be expected to, change the amount, effect or characteristics of the air contaminants discharged.

(2.0) 135.2 Applicability to sources.

This Chapter applies to all sources except:

(1) Any mobile source.

(2) Any source that emits non-specific particulate matter only and for which the potential emission rate is less than 5 lbs. per hour.

(3) Any source that emits inert gases only, such as argon, carbon dioxide, helium, krypton, neon, nitrogen, oxygen, and xenon.

(4) Any combustion unit rated at less than 2,500,000 BTU per hour of heat input.

(5) Any source used in residential premises designed to house four or less families.

(6) Other sources and classes of sources determined to be of minor significance by the Department.

(13.0) 135.3 Reporting.

(a) Any person who owns or operates a source, to which this Chapter applies, shall submit to the Department a source report within 120 days after the receipt of a source reporting form, unless a time extension has been granted by the Department. Source reports shall be made on source reporting forms and shall be complete.

(b) Any person who has received a source reporting form or any person who has reported a source to the Department pursuant to the requirements of subsection (a) of this section shall comply with the requirements of subsection (a) of this section within 90 days of the acquisition and operation of any additional source.

(c) Any person who has reported a source to the Department pursuant to the requirements of subsection (a) of this section, shall report any modification to, installation of any air cleaning device on, or permanent cessation in operations of said source within 90 days after the completion of such modification or installation or cessation; reports concerning such modification or installation shall contain sufficient pertinent information to enable the Department to determine the effect on emissions of the modification or installation.

(13.0) 135.4 Reporting forms and guides.

A statement of guidelines, reporting forms and instructions shall be published and made available by the Department. The statement shall serve as a basic manual of guidance for the reporting of information required by this Chapter.

(8.0) CHAPTER 137. AIR POLLUTION EPISODES

(2.0) 137.1 Purpose.

The purpose of this Chapter is to prevent the excessive build-up of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

(9.0) 137.2 Monitoring facilities.

The Department shall publish and make available information on the location of air quality monitoring facilities designated by the Department for the purposes of this Chapter. Information on the sampling techniques employed at these facilities shall also be published and made available.

(8.0) 137.3 Episode criteria.

Conditions justifying the declaration of a Forecast shall be deemed to exist whenever the Department determines that the meteorological conditions are such that the ambient air contaminant concentrations in any part of any air quality control region can be expected to substantially increase above normal levels. Conditions justifying the declaration of an Alert, Warning or Emergency shall be deemed to exist whenever the Department determines that the concentration of ambient air contaminants in any part of any air quality control region is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making these determinations, the Department shall be guided by the following criteria:

(1) Forecast level - A Forecast shall be declared when the meteorological conditions are such that ambient air contaminant concentrations can be expected to substantially increase above normal levels.

(2) Alert level - An Alert should be declared when one of the following levels is reached at a designated air quality monitoring facility:

SO_2 - 0.3 ppm, 6-hour average, or
Particulate matter - 4 COHS, 6-hour average, or
SO_2 and particulate matter combined - product of
  SO_2 ppm, 24-hour average, and COHS, 24-hour average, equal to 0.3, or
NO_2 - 0.2 ppm, 24-hour average

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours of increase unless control actions are taken.

(3) Warning level - A Warning should be declared when any one of the following levels is reached at a designated air quality monitoring facility:

SO_2 - 0.5 ppm, 6-hour average, or
Particulate matter - 6 COHS, 6-hour average, or
SO_2 and particulate matter combined - product of
  SO_2 ppm, 24-hour average, and COHS, 24-hour average, equal to 0.9, or
CO - 30 ppm, 8-hour average, or
Oxidants - 0.25 ppm, 4-hour average, or
NO_2 - 0.3 ppm, 24-hour average

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(4) Emergency level - An Emergency should be declared when any one of the following levels is reached at a designated air quality monitoring facility:

SO_2 - 0.6 ppm, 24-hour average, or
Particulate matter - 7 COHS, 24-hour average, or
SO_2 and particulate matter combined - product of
  SO_2 ppm, 24-hour average, and COHS, 24-hour average, equal to 1.4, or
CO - 40 ppm, 8-hour average, or
Oxidants - 0.35 ppm, 4-hour average, or
NO_2 - 0.4 ppm, 24-hour average

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(5) Termination - Once declared, any level reached in accordance with these criteria should remain in effect until the criteria for the Alert level are no longer met and meteorological conditions are such that pollutant concentrations can be expected to decrease.

(8.0) 137.4 Stand-by plans.

(a) The provisions of this section shall apply to the following classes of sources:

(1) Coal or oil-fired electric generating facilities.

(2) Coal or oil-fired steam generating facilities rated at more than 100 million BTUs per hour of heat input.

(3) Manufacturing industries of the following classifications which employ more than 20 employees at any one location:

(i) Primary and secondary metals industries.
(ii) Petroleum refining and related industries.
(iii) Chemical and allied products industries.
(iv) Paper and allied products industries.
(v) Glass, clay and concrete products industries.

(4) Municipal and commercial refuse disposal and salvage operations other than incinerators rated at less than 1,000 pounds per hour of refuse.

(5) Other sources determined to be of significance by the Department. The persons responsible for these sources shall be so advised by the Department.

(b) Any person responsible for the operation of a source shall prepare stand-by plans for reducing the emission of air contaminants from that source during Alert, Warning, and Emergency levels. The plans shall be designed to reduce or eliminate the emissions of air contaminants in accordance with the objectives set forth in Tables 1, 2, 3 and 4 appended to this Chapter. The plans shall be in writing on forms published and distributed by the Department and shall identify the approximate amount of reduction of various air contaminants and a description of the manner in which the reductions will be achieved.

(c) Stand-by plans for sources located in air basins shall be submitted to the Department within 240 days from the effective date of this Chapter or within a time period specified by the Department in an order. Stand-by plans for sources subject to the provisions of 127.11 of this Title (relating to requirements for plan approval) shall be submitted to the Department in accordance with 127.12 (a) (7) of this Title (relating to contents of application for plan approval).

(d) Stand-by plans for sources not subject to the provisions of subsection (c) of this section shall be submitted to the Department within a time period specified by the Department in an order.

(e) If the Department determines that a stand-by plan does not provide for effectively achieving the objectives set forth in Tables 1, 2, 3 and 4, the Department may disapprove the plan, state its reasons for such disapproval and either order the preparation of an amended plan within a time period specified in the order or issue, by order, a plan to replace the disapproved plan.

(f) The Department may amend or otherwise change any stand-by plan if it determines that good cause exists for such action. Any such amendment or change shall be in writing and shall be accompanied by a notice of sufficient cause for the action.

(g) During a Forecast, Alert, Warning or Emergency level, the stand-by plan shall be made available by the person responsible for the source to any employee of the Department on the premises of the source.

(2.0) 137.5 Implementation of emission reduction procedures.

(a) When the Department declares that a Forecast, Alert, Warning or Emergency level exists in any area of the Commonwealth, the person responsible for the operation of a source whose emissions may affect air quality in such area shall implement the stand-by plan required by 137.4 of this Title (relating to requirements for stand-by plans) for that source.

(b) Any person responsible for the operation of a source not required to prepare a stand-by plan in accordance with the provision of 137.4 of this Title (relating to requirements for stand-by plans) shall, when the Department declares that a Forecast, Alert, Warning or Emergency level exists in an area of the Commonwealth in which such source is located, implement applicable emission reduction procedures in accordance with the objectives of Tables 1, 2, 3 and 4.

TABLE 1 - FORECAST LEVEL ACTIONS

Prepare for the implementation of stand-by plans for an Alert.

TABLE 2 - ALERT LEVEL ACTIONS

Part A. General requirements

1. No open burning of any material.
2. Limit incineration to the hours between 12 n. and 4 p.m.
3. Limit soot blowing and boiler lancing of combustion units to the hours between 12 n. and 4 p.m.
4. Substantially reduce the emissions of air contaminants by reduction of operating levels.
5. Substantially reduce space heating and cooling requirements.
6. Reduce to a minimum the emissions of air contaminants from sources which are not in compliance with the emission limitations set forth in this Article and from sources operating under a temporary variance granted by the Department.
7. Defer or postpone operations that can be deferred or postponed.
8. Reduce use of electricity.
9. Eliminate unnecessary operations of motor vehicles.
10. Prepare for the implementation of stand-by plans for a Warning.

Sources listed below shall take the indicated control actions in addition to taking the actions listed in Part A of this Table.

Source	Control Actions
1. Thermal electric generating facilities	a. Switching to low ash and low sulfur fuel. b. Maximum shifting of load from old (high polluting) units to new (low polluting) units. c. Maximum shifting of load to facilities outside the Alert area.
2. Industrial boilers	Switching to low ash and low sulfur fuel.
3. Blast furnaces	Substantial reduction of production.

Source	Control Actions
4. Coke ovens	Substantial increase of coking time.
5. Sinter plants	a. Substantial reduction of production. b. Switching to low sulfur ore, coal and coke.
6. Steel making furnaces	a. Substantial reduction of production. b. Substantial reduction of oxygen usage. c. Switching to low sulfur fuel.
7. Slag quenching	Cease operations.

TABLE 3 - WARNING LEVEL ACTIONS

Part A. General requirements

1. Continue all control actions taken for Alert level.
2. Cease incineration of any solid or liquid waste.
3. Reduce to a minimum the emissions of air contaminants by ceasing, curtailing, postponing or deferring all operations to the extent possible without causing injury to persons or damage to equipment.
4. Reduce to a minimum space heating and cooling requirements.
5. Reduce to a minimum the use of electricity.
6. Use car pools and public transportation for necessary travel.
7. Prepare for the implementation of stand-by plans for an Emergency.

Part B. Requirements for specific sources

Sources listed below shall take the indicated control actions in addition to taking the actions listed in Part A of this Table.

Source	Control Actions
1. Thermal electric generating facilities	Substantially reduce power supplies to users outside the Warning area.
2. Blast furnaces	Maximum reduction of production.
3. Coke ovens	Cease charging and pushing to the extent possible without causing damage to equipment; in the event that ovens must be pushed and charged to generate enough gas for underfiring, use the ovens in best repair with respect to the emission of air contaminants.

4. Sinter plants	Cease production.
5. Steel making furnaces	Cease production to the extent possible without causing damage to equipment.
6. Mines and quarries	Maximum reduction of operations without causing damage to equipment.

TABLE 4 - EMERGENCY LEVEL ACTIONS

Part A. General requirements

1. Continue all control actions taken for Warning level.
2. At all places of employment, immediately cease operations to the extent possible without causing injury to persons or damage to equipment except that the following establishments may remain in operation:
    (a) Commercial establishments engaged in selling or distributing food or medical and surgical supplies.
    (b) Those governmental and semi-governmental offices determined by the head of the respective governments or of the respective semi-governmental agencies to be vital for public safety or welfare or for the enforcement of the provisions of this Article.
    (c) Those engaged in rendering medical or surgical services.
3. Cease operations of motor vehicles except in emergencies, when approved by police officials.

Part B. Requirements for specific sources

Sources listed below shall take the indicated control actions in addition to taking the actions listed in Part A of this Table

Source	Control Action
Thermal electric generating facilities	Maximum reduction of power supplies to users outside the Emergency area.

(9.0) CHAPTER 139. SAMPLING AND TESTING

GENERAL

(9.0) 139.1 Sampling facilities.

Upon the request of the Department, the person responsible for a source shall provide adequate sampling ports, safe sampling platforms and adequate utilities for the performance by the Department of tests on such sources. The Department shall set forth, in the request, the time period within which the facilities shall be provided as well as the specifications for the said facilities.

(9.0) 139.2 Sampling by others.

Sampling and testing done by persons other than the Department may be accepted by the Department provided that:

(1) The Department has been given reasonable notice of the sampling and testing and has been given reasonable opportunity to observe and participate in the sampling and testing.

(2) The sampling and testing is conducted under the direct supervision of persons qualified, by training and experience, to conduct such sampling and testing.

(3) Procedures for the sampling and testing are in accord with the provisions of this Chapter.

(4) The reports of the sampling and testing are accurate and comprehensive.

(2.0) 139.3 General requirements.

(a) The Department shall use the methods set forth in this Chapter to assess emissions from stationary sources or ambient levels of air contaminants.

(b) The Department shall publish a supplement to this Chapter containing detailed information on source test methods and procedures and indicating the information that should be contained in a report of emissions.

(c) The performance standards for stationary sources set forth in this Chapter permit freedom in the selection of equipment and consistency in obtaining accurate results which are representative of the conditions under which a source is evaluated.

(d) The sampling and analytical procedures employed to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are representative of the conditions being evaluated.

(2.0) 139.4 References.

The following are references referred to in this Chapter:

(1) "Standards of Performance for New Stationary Sources," Federal Register, Part II, Volume 36, No. 247, pp. 24876 - 24895, December 23, 1971, Washington, D.C.

(2) Devorkin, H., et al. "Air Pollution Source Testing Manual," Los Angeles Air Pollution Control District, Second Printing, November 1965.

(3) "Standard Method for Sampling Stacks for Particulate Matter," American Society for Testing Materials, D 2928 - 71, 1916 Race Street, Philadelphia, Pennsylvania.

(4) Jacobs, M. D. et al., "Ultramicrodetermination of Sulfides in Air," Anal. Chem., 29:1349 (1957).

(5) "Air Sampling Instruments." 2nd. ed., American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati 2, Ohio, 1962, pp. B-3-12-B-3-14.

(6) "Recommended Standard Method for Continuing Dust Fall Survey (APM-1, Revision 1)," TR-2 Air Pollution Measurements Committee, J. Air Poll. Control Assoc., 16:372 (1966).

(7) "Air Pollution Measurements of the National Air Sampling Network: Analyses of Suspended Particulates 1957 - 1961," Public Health Service Pub. No. 978, Washington, D.C., 1962.

(8) Interbranch Chemical Advisory Committee, "Selected Methods for the Measurement of Air Pollutants," PHS Pub. No. 999-AP-11, Cincinnati, Ohio, 1965, p. I-1.

(9) "Standard Method of Test for Inorganic Fluoride in the Atmosphere," ASTM Standards on Methods of Atmospheric Sampling and Analyses, Philadelphia, Pennsylvania, 1962, p.67.

STATIONARY SOURCES

(2.0) 139.11 General requirements.

The following are applicable to source tests for determining emissions from stationary sources:

(1) All performance tests shall be conducted while the source is operating at maximum routine operating conditions or under such other conditions, within the capacity of the equipment, as may be requested by the Department.

(2) The Department shall consider for approval test results where sufficient information is provided to verify the source conditions existing at the time of the test and where adequate data is available to show the manner in which the test was conducted. Information submitted to the Department shall include, as a minimum:

(i) A thorough source description, including a description of any air cleaning devices and the flue.

(ii) Process conditions, e.g., charging rate of raw materials or rate of production of final product, boiler pressure, oven temperature and other conditions which may affect emissions from the process.

(iii) The location of the sampling ports.

(iv) Effluent characteristics, including velocity, temperature, moisture content, gas density (%CO, CO_2, O_2 and N_2), static and barometric pressures.

(v) Sample collection techniques employed, including procedures used, equipment descriptions and data to verify that isokinetic sampling for particulate matter collection occurred and that acceptable test conditions were met.

(vi) Laboratory procedures and results.

(vii) Calculated results.

(50.1) 139.12 Emissions of particulate matter.

The following are applicable to tests for determining emissions of particulate matter from the stationary sources:

(1) Test methods for particulate emissions shall include both dry filter(s) and wet impingers and provide for at least a 95% collection efficiency of particulate matter.

(2) Isokinetic sampling procedures shall be used in sampling for particulate matter emissions and the weights of all soluble and insoluble particulate determined gravimetrically after removal of uncombined water.

(3) Test methods and procedures shall be equivalent to or modified to produce results equivalent to those which would be obtained by employing the procedures specified in 139.4 (1) and (2) of this Title (relating to references). The equipment shall be inert where appropriate and similar to that specified in 139.4 (1) - (3) of this Title (relating to references).

(4) The minimum sampling time shall be one hour and the minimum sample volume shall be 50 cubic feet corrected to standard conditions (dry basis).

(5) Results shall be reported as pounds of particulate matter per hour and in accordance with units specified in 123.11 - 123.13 and 129.12 of this Title (relating to standards for contaminants and sources).

(50.2)
(50.3) 139.13 Emissions of SO_2, H_2S and NO_2.

The following are applicable to tests for determining emissions of SO_2, H_2S and NO_2 from stationary sources:

(1) Test methods for SO_2, H_2S and NO_2 shall provide for at least 95% collection efficiency of oxides of sulfur, hydrogen sulfide and oxides of nitrogen, respectively.

(2) Sample collection for SO_2 shall be at a rate proportional to the stack gas velocity and the weight of oxides of sulfur shall be determined gravimetrically.

(3) Test methods and procedures for SO_2 shall be equivalent to or modified to produce results equivalent to those which would be obtained by employing the procedures specified in 139.4 (2) of this Title (relating to references). The equipment shall be inert where appropriate and similar to that specified in 139.4 (2) of this Title.

(4) Sample colletion for H_2S shall be at a rate proportional to the stack gas velocity and the weight of hydrogen sulfide shall be determined colorimetrically.

(5) Test methods and procedures for H_2S shall be equivalent to or modified to produce results equivalent to those which would be obtained by employing the procedures specified in 139.4 (4) of this Title (relating to references). The equipment shall be inert where appropriate and similar to that specified in 139.4 (2) of this Title (relating to references).

(6) For determining emissions of SO_2 and H_2S, the minimum sampling time shall be one hour and the minimum sample volume shall be 30 cubic feet corrected to standard conditions (dry basis).

(7) Test methods and procedures and equipment for NO_2 shall be similar to those specified in 139.4 (1) of this Title (relating to references).

(8) Results shall be reported as pounds per hour of SO_x as SO_2 pounds per hour of H_2S, or pounds per hour of NO_x as NO_2 and in accordance with units specified in 123.21 - 123.23.24 and 129.11 - 129.13 of this Title (relating to standards for contaminants and sources).

(50.0) 139.14 Emissions of other air contaminants.

Test methods and procedures may be modified for determining emissions of contaminants other than particulate matter, SO_2, H_2S and NO_2 from stationary sources in any manner consistent with accepted air pollution testing practices and with obtaining accurate results which are representative of the conditions evaluated. Such modifications shall be subject to the approval of the Department and shall be clearly indicated in the report of test results.

FUGITIVE PARTICULATE MATTER

(50.1) 139.21 Emissions of fugitive particulate matter.

The following are applicable to tests for determining fugitive particulate matter emissions:

(1) Test methods and procedures and equipment for fugitive particulate matter shall be equivalent to those specified in 139.4 (5) of this Title (relating to references).

(2) The concentration of particulate matter shall be determined by counting and the results shall be reported in accordance with the requirements of 123.2 of this Title (relating to standards for contaminants).

(3) Samples to determine background fugitive particulate matter concentrations shall be taken upwind of the source(s).

AMBIENT LEVELS OF AIR CONTAMINANTS

(2.0) 139.31 General.

The provisions of 139.32 and 139.33 of this Title (relating to sampling and analytical procedures) are applicable to methods for determining ambient levels of air contaminants.

(9.0) 139.32 Sampling and analytical procedures.

(a) The following sampling and analytical techniques may be used directly or employed as reference standards against which other methods may be calibrated:

Contaminant	Sampling Method	Analytical Method
Settled particulates (total)	Open top cylinder (6)	Gravimetric (6)
Lead	High-volume filtration (7)	Spectrographic (7)
Beryllium	High-volume filtration (7)	Spectrographic (7)
Sulfates (as H_2SO_4)	High-volume filtration (7)	Turbidimetric (8)
Fluorides (total soluble, as HF)	Filtration plus gas absorption (9)	Thorium-alizarin lake titration (9)
Hydrogen sulfide	Gas absorption (4)	Methylene blue method (4)

(b) The numbers following the reference standards in subsection (a) of this section refer to references contained in 139.4 of this Title (relating to references).

(2.0) 139.33 Incorporation of federal procedures.

Sampling and analytical procedures promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act are hereby incorporated, by reference, as part of the techniques listed in 139.32 (a) of this Title (relating to sampling and analytical procedures).

(5.0) CHAPTER 141. VARIANCES AND ALTERNATE STANDARDS

Authority

GENERAL

(2.0) 141.1 Imposing alternate standards authorized.

The Department may by order impose standards more stringent than those set forth in this Article for any source or class of sources, upon the petition of any person or upon its own motion, where:

(1) Such alternate standard is reasonable related to the attainment of any ambient air quality standard contained in this Article within the time limits required by the Clean Air Act for the attainment of such ambient air standard, or is reasonably related to the maintenance of any such ambient air standard.

(2) Such alternate standard can be attained through the proper use of best available technology; or,

(3) Such alternate standard is necessary to protect the public health, safety or welfare.

(5.0) 141.2 Granting temporary variances authorized.

(a) The Department may grant a temporary variance from any standard or requirement set forth in this Article upon the petition of the owner or operator of the air contamination source for which such a variance is sought.

(b) The Department shall grant any petition for a temporary variance, in whole or in part, upon a review of the petition and accompanying material, and upon any additional investigations which the Department may conduct, provided the Department finds that:

(1) Such action will not prevent or interfere with attainment or maintenance of any ambient air quality standard contained in this Article, within the time prescribed for the attainment of such ambient air quality standard by the Clean Air Act.

(2) The quantity and level of emissions from the source at the expiration of the temporary variance are likely to comply with the applicable standards of this Article;

(3) Such action is reasonable, considering the toxicity and other effects of such emissions on the public health, safety and welfare, the meteorological factors affecting the dispersion of the emissions, the land use characteristics of the areas affected by the emissions, efforts taken by the petitioner to comply with those orders and regulations of the Department that were in effect prior to the effective date of this Chapter and that are related to those contaminants which are the subject of the petition, the status of compliance of the petitioner, and any other relevant factors.

(5.0) 141.3 Conditions of variances.

A temporary variance may be granted upon such reasonable terms and conditions as the Department may specify, including, but not limited to, the following:

(1) The gradual reduction of emissions during the variance period;

(2) The reduction, cut back or alteration of operations giving rise to the emissions for which the variance is sought;

(3) The development of new air pollution control technology;

(4) The submission of periodic progress reports of the steps taken in reduce emissions; and

(5) The sampling of emissions and the monitoring and recording of the emissions and any operating conditions that may affect the emissions, at such locations, at such intervals of time and in accordance with such methods and procedures as the Department may prescribe, and the submission of the results thereof to the Department.

(5.0) 141.4 Period of variance.

(a) Any temporary variance granted pursuant to this Chapter shall be granted for a period of time not to exceed three (3) years, and may be renewed for only one (1) additional period of time not to exceed the period of time for which the variance was originally granted or two (2) years, whichever is shorter.

(b) A petition for the renewal of a temporary variance shall be submitted to the Department at least sixty (60) days prior to the expiration of the period for which the variance was originally granted, and shall comply with the requirements of 141.11 of this Title (relating to filing petitions for variances).

(2.0) 141.5 Stay of prosecution.

(a) A petition which complies with the requirements of 141.11 of this Title (relating to filing petitions for variances), and which is received by the Department within 6 months of the effective date of this Chapter, shall operate prospectively as an automatic stay of prosecution for violations of those provisions of this Article with respect to which the variance is sought, until one year after the effective date of this Chapter or until the Department takes action on such petition, whichever occurs first, except that the filing of a petition for a variance, or the grant thereof, shall not relieve the petitioner from full compliance with any orders and permits heretofore issued or any stipulations and agreements heretofore entered into by the Department, nor shall such filing in any way preclude the Department from pursuing any and all remedies available to it, at law or in equity, to enforce such orders, permits, stipulations or agreements.

(b) The filing of a petition for a renewal or extension of any existing variance shall in no case operate as a stay of prosecution and if the Department fails to act on any such petition before the expiration of the original variance period, then such petition shall be deemed denied in its entirety.

(5.0) 141.6 Revocation and modification of variance.

The Department may, for good cause, revoke, modify, amend or change, in whole or in part, any variance granted pursuant to this Chapter. Without intending to limit the generality of the immediately preceding sentence, the failure to perform, within the time specified for such performance, any condition or requirement attached to the grant of a variance, shall constitute sufficient cause to revoke such variance.

(8.0) 141.7 Air pollution episodes.

The provisions of this Chapter shall not be construed to prevent or limit the application of the provisions of Chapter 137 of this Title (relating to air pollution episodes).

PETITION FOR VARIANCE

(13.0) 141.11 Filing.

(a) Unless provided otherwise by the Department, an original and two conformed copies of each petition for variance shall be filed with the Department.

(b) The petition shall include or be accompanied by the following information:

(1) The name, address and telephone number of the petitioner and any other person authorized to receive notices.

(2) The type and location of the operations giving rise to the emissions for which a temporary variance is sought, including a description of the process or activity giving rise to such emissions.

(3) The quantity and nature of such emissions.

(4) Each provision of this Article from which a temporary variance is sought.

(5) A detailed plan setting forth all steps the petitioner proposes to take to reduce such emissions to a level permitted by this Article, including a schedule indicating the dates upon which each intermediate step shall be completed and the date upon which full compliance with the standards and requirements of this Article shall be achieved.

(6) The reasons why the petitioner feels full compliance with the standards and requirements of this Article cannot be attained at any time prior to the date of full compliance set forth in petitioner's plan.

(7) Any and all other information and data which the Department may reasonably require.

(13.0) 141.12 Notice of filing.

(a) Any person filing a petition with the Department pursuant to 141.11 of this Title (relating to filing petitions for variances), which seeks a variance for a period in excess of eighteen (18) months from the date such petition is received by the Department, or a petition for the renewal or extension of a variance, shall advertise notice of the filing of the petition on at least three separate days in a prominent place and size in one newspaper of general circulation in the county in which the source for which the variance is sought is located.

(b) The advertisement required by subsection (a) of this section shall be completed within one week of the filing of the petition, and proof of said publication shall be filed with the Department within one week thereafter. No petition shall be entertained by the Department in the event of failure by petitioner to submit such proof of publication within the required time.

(c) In appropriate cases, the Department shall publish notice of the filing of applications in the Pennsylvania Bulletin.

(2.0) 141.13 Contents of notice.

The advertisement of notice of filing required by 141.12 of this Title (relating to notice of filing petitions for variances) shall include the following:

(1) Name and address of petitioner.
(2) Location and name of the plant or facility at which the source is located.
(3) A brief description of the source for which the variance is sought.
(4) The specific regulation from which the variance is sought.
(5) A brief statement of the reasons why a variance, as petitioned for, is necessary.
(6) A statement that any person may oppose the petition for the variance by filing a written protest with the Department of Environmental Resources, Bureau of Air Quality and Noise Control, Division of Abatement and Compliance, Room 907 Health and Welfare Building, Harrisburg, Pennsylvania 17105.

PROTESTS

(13.0) 141.21 Filing.

A protest to a petition for a variance shall be filed with the Department in duplicated within 30 days of the last day that notice of the filing of such petition was advertised pursuant to 141.12 of this Title (relating to notice of filing petitions for variances).

(2.0) 141.22 Form.

Each protest shall include the following:

(1) Name, address and telephone number of the person filing such protest.
(2) Identification of the petition being opposed.
(3) Concise statement of the objections to the petition.
(4) Concise statement of the relevant facts upon which the objections are based.
(5) Name and date of publication alerting such person of the filing of the petition.

(2.0) 141.23 Consideration of protest.

(a) A protest is intended solely to alert the Department to the fact and nature of the objection of the protestant to the petition.

(b) The Department shall not be required to consider protests filed subsequent to the time designated in 141.21 of this Title (relating to filing of protests), but it may consider them if filed prior to action on the petition.

(c) It shall not be necessary for the Department to respond to any protest filed.

CONFERENCES AND HEARINGS

(16.0) 141.31 When held.

Prior to taking action on any petition for a variance, the Department may, in its discretion, hold a fact finding conference or hearing at which the petitioner and any person who has properly filed a protest pursuant to 141.21 of this Title (relating to filing of protests) may appear and give testimony. provided, however, that in no event shall the Department be required to hold such a conference or hearing.

(16.0) 141.32 Location.

Conferences and hearings shall be held at such location as shall be most convenient to the participants and, if suitable, shall be held in an office of the Department.

(16.0) 141.33 Notice.

The petitioner, protestants and other participants shall be notified of the time, place and purpose of a conference or hearing in writing or by publication in a newspaper or the Pennsylvania Bulletin except where the Department determines that notification by telephone shall be sufficient.

(16.0) 141.34 Procedure.

(a) All conferences and hearings shall be conducted by a presiding officer.

(b) Except where provided otherwise in the notice or by the presiding officer, all conferences and hearings shall be conducted in an informal manner and the rules of evidence shall not be applicable.

(c) When provided in the notice, each participant may be required to present a written statement, together with any exhibits required, at the conference or hearing for the use of the participants. Persons unable to attend the conference or hearing may submit three copies of a written statement and exhibits within five (5) days thereafter.

(d) At any such conference or hearing, any participant, at his or her own cost, shall have the right to have the proceedings recorded verbatim by a stenographer, tape recorder or other means.

(13.0) 141.35 Record.

(a) Following the conference or hearing, the presiding officer shall prepare a summary which shall contain the following:

(1) Identification of the petition and nature and location of the project or activity to be approved.

(2) Names and addresses of each participant and whom they represent.

(3) Substance of opening and closing statement by presiding officer.

(4) Substance of the matters discussed or testified to and any agreements entered into by any of the participants.

(5) Such other relevant matters to inform the Department of the results of the conference or hearing.

(b) A copy of the summary shall be submitted upon request to each participant in the proceeding. Copies of the summary together with any transcript of the proceedings, written statements, exhibits and protests shall also be placed in the file in the appropriate office or offices in the Department for review by the Department prior to taking action on the petition.

ACTIONS AND APPEALS

(2.0) 141.41 General

After reviewing the petition and any protests or record of any conference or hearing held, the Department shall take such action as shall be authorized by 141.2 - 141.4 of this Title (relating to granting of variances).

(2.0) 141.42 Form of action.

(a) The action of the Department on any petition for variance from the requirements of this Article shall be contained in a written order or notice directed to the petitioner.

(b) The order or notice shall contain or be accompanied by a written statement as to any appeal procedures that may be available to any person who may be affected by such action and shall designate the office where appeals shall be filed.

(2.0) 141.43 Notice of action.

(a) Orders and notices granting a petition for variance, in whole or in part, shall be served, upon the petitioner and each protestant who has complied with 141.21 and 141.22 of this Title (relating to filing of protests), personally or by mailing a copy to the address set forth in the petition or protest.

(b) The Department may also publish notice of its action in a newspaper of general circulation in the county where the source for which a variance was sought is located or in the Pennsylvania Bulletin which shall be deemed notice to any person except a petitioner or protestant. Such notice shall be effective as of the date of publication of such notice.

(2.0) 141.44 Appeals.

Any action taken by the Department on any petition for a variance filed pursuant to this Chapter may be appealed to the Environmental Hearing Board by the petitioner, by any protestant or by any other aggrieved person without regard to the nature of such person's interest in the action. All such appeals shall be governed by the provisions of Chapter 21 of this Title (relating to rules of practice and procedure).

CITY OF PHILADELPHIA
AIR MANAGEMENT REGULATIONS
OF THE
AIR POLLUTION CONTROL BOARD

REGULATIONS OF THE AIR POLLUTION CONTROL BOARD
CITY OF PHILADELPHIA, PENNSYLVANIA

These regulations are adopted pursuant to Section 5-302 of the Philadelphia Home Rule Charter, which reads as follows:

"The Air Pollution Control Board shall advise the Department of Public Health and the Board of Health on all matters pertaining to the control of air pollution and shall make reasonable regulations, not contrary to a statute or ordinance or to the regulations of the Board of Health."

These regulations are also adopted pursuant to Title 3, Air Management Code, of the Philadelphia Code, specifically, Section 3-302, which reads in part as follows:

"The Air Pollution Control Board shall have the following powers and duties:

(1) To promulgate regulations, implementing this Title, preventing degradation of air quality, preventing air pollution, eliminating air pollution nuisances and limiting, controlling, or prohibiting the emission of air contaminants to the atmosphere from any sources ..." and

(2) To promulgate regulations to establish objectives for the quality of community air, to establish areas where objectives are applicable, and limiting, prohibiting or otherwise controlling emissions to achieve this quality of air ..."

(2.0) REGULATION I

GENERAL PROVISIONS

(1.0) Section I - Definitions

A. The following definitions are in the Air Management Code and apply to the regulations:

(1) Aerosol - A dispersion or suspension of small solid or liquid particles or any combination thereof in the air or other gaseous medium.

(2) Ashes - The residue from combustion, including cinders, flyash or any other solid material resulting from combustion, as well as partially combusted materials and unburned combustibles.

(3) Air Contaminant - Any smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, mists, aerosols, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other materials in the outdoor atmosphere.

(4) Air Pollution - The presence in the atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration that they are or may tend to be injurious to human, plant, or animal life, or property, of that interfere with the comfortable enjoyment of life or property or the conduct of business or other human activities.

(5) Air Pollution Nuisance - The emission or discharge of one or more air contaminants to the atmosphere meeting one or more of the following criteria:

(a) In excess of emission standards promulgated by the Air Pollution Control Board;

(b) In such quantity and of such duration that they do or may tend to:

1. Interfere with health, repose, or safety;
2. Cause severe annoyance or discomfort;
3. Lessen food or water intake;
4. Produce irritation of the upper respiratory tract;
5. Produce symptoms of nausea;
6. Be offensive, or objectionable, or both, to persons because of inherent chemical or physical properties;
7. Be detrimental or harmful to health, comfort, recreation, living conditions, welfare, or safety;
8. Cause injury or damage to real or personal property of any kind;
9. Or interfere with the conduct of industry, commerce, or transportation.

(6) Board - means the Air Pollution Control Board.

(7) Cinders - Particles consisting of fused ash or unburned matter.

(8) Carbon Dioxide (CO_2) - A colorless, odorless gas at standard conditions which has the molecular formula CO_2.

(9) Commercial Fuel - Liquid or gaseous fuel normally produced, manufactured, used, or sold for the purpose of creating useful heat.

(10) Condensed Fumes - Minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or generated by sublimation, distillation, calcination, or chemical reaction when these processes create airborne particles.

(11) Department - The Department of Public Health, Health Commissioner or any authorized representative thereof.

(12) Dust - Solid particles projected into the air and capable of temporary suspension therein.

(13) Flyash - Particulate matter capable of being gasborne or airborne and consisting essentially of fused ash and/or burned or unburned material.

(14) Fuel - Any combustible matter.

(15) Fuel Burning Equipment - Any device, machine, mechanism or structure used in the process of burning fuel for indirect heating.

(16) Fuel Merchant - Any person who stores, offers for sale or sells commercial fuel in retail or wholesale trade, excluding agents, brokers, wholesalers, distributors or producers who sell commercial fuel for use in single steam and/or electric power generating facilities having rated hourly capacities that equal or exceed two hundred (200) million BTU gross heat input, or in a group of steam and/or electric power generating facilities at one location having a combined rated capacity which equals or exceeds four hundred and fifty (450) million BTU gross heat input.

(17) Fuel Oil - A liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil.

(18) Household Appliances - Any electric or gas operated device, commonly used in a dwelling, other than incinerators, heating systems, or hot water heating systems.

(19) Incinerators - All devices, including but not limited to crematories, intended or used for the destruction of garbage or other combustible materials by means of burning, or for the salvage of materials by means of burning of extraneous materials.

(20) Installation, Equipment or Devices - Any assembly or elements or components the operation of which does or may directly or indirectly affect the emission of air contaminants to the atmosphere.

(21) Minor Repairs and Alterations - Repair or alteration of any part of any existing installation, equipment, or device which does not materially alter the quantity or character of discharge or emission into the atmosphere of air contaminants.

(22) Mist - A suspension of any finely-divided liquid in any gas or the atmosphere.

(23) Non-Commercial Fuel - Liquid or gaseous fuel not normally produced, manufactured, used or sold for the purpose of creating useful heat.

(24) Odor - Smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or create symptoms of nausea, or which by their inherent chemical or physical nature, or method of processing, are or may be detrimental or dangerous to health. Odors and smell are used herein interchangeably.

(25) Open Fires - Any fire from which the products of combustion are emitted directly into the atmosphere without passing through a stack or chimney.

(26) Particulate Matter - Any material, liquid or solid, except uncombined water, which exists in a finely divided form at standard conditions.

(27) Person - Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state or local government or other entity recognized by law as a subject of rights and duties.

(28) Smoke - Small gas-borne particles resulting from combustion, consisting of carbon, ash, and other material.

(29) Soot - Agglomerated particles consisting mainly of carbonaceous material.

(30) SSU Viscosity - The number of seconds it takes 60 cubic centimeters of an oil to flow through the standard orifice of a Saybolt Universal Viscometer at 100° F.

(31) Stack or Chimney - A flue, conduit or opening permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purpose.

(32) Standard Conditions - A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

(33) Sulfur Dioxide (SO_2) - A colorless gas at standard conditions which has the molecular formula SO_2.

(34) Vapor - The gaseous form of a substance which is in the liquid or solid state at customary atmospheric temperature and pressure.

(35) Viscosity - The measure of a fluid's resistance to flow.

B. In addition to definitions provided in the Air Management Code, the following definitions apply to these regulations:

(1) Anthracite Coal - A hard, black, lustrous coal containing 85-95% carbon characterized by its small percentage of volatile matter, high specific gravity, hardness, nearly metallic luster, rich black color, and semi-conchoidal fracture. Volatile matter is usually less than seven (7) percent.

(2) Bituminous Coal - A coal containing 70-85% carbon leaving usually more than 7 percent volatile matter.

(3) Dosage - Is the summation of the hourly averages of the concentration of a pollutant in the atmosphere for the specified time in hours.

(4) Fugitive Dust - Is any dust released or dispersed into the air by natural forces or mechanical processes which escapes from the premises where the dust originated.

(5) PPM-Hrs - (Parts per million-hours). Is the sum of the average ppm hourly dosages measured for the number of hours stated.

(6) Process Weight - Is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour' will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(7) Process - Is any method, reaction, or operation whereby materials introduced into the process undergo physical change (i.e., the size, shape, appearance, state or other physical properties of the material are altered without changing chemical composition) or chemical change (i.e., a substance or substances with different chemical composition or properties are formed or created). A specific process, independent or production unit, is one which includes all of the equipment and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several specific processes in series necessary to the manufacture of a product. However, where there are parallel series of specific processes, the similar parallel specific processes shall be considered as a single specific process for emission regulation.

(8) RUD-Hrs./1,000 ft. - (Reflectance units of dirt shade-hours per 1,000 linear feet of air) is the sum of the hourly RUDs/1,000 ft. measured for the number of hours stated. RUDs/1,000 ft. are the measured percentage reflectance of the filter tape reduced by dividing by the number of thousands of feet of air actually drawn through the tape in the test.

(9) Sailing Index is an expression of the measurement of the light reflectance of a stain produced on paper tape through which a set rate of air volume has passed for a period of time. The standard for this expression in these regulations is RUD-hrs./1,000 ft.

(3.0)(13.0)Section II ~ Source Registration and Emission Reporting

A. Registration of Emission Sources:

(1) Installation Permits:

(a) No person shall build, erect, install, alter, or replace any article, machine, equipment, device, or other contrivance or appurtenance, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants until an Air Management Permit, as specified by the Air Management Code, has been obtained for such installation and construction. The permit shall remain in effect as specified by the Air Management Code.

(b) Within 60 days of the receipt of an application for an installation permit, the Department shall act to approve or disapprove the application or notify the applicant that additional information is required.

(2) Operating Licenses:

  (a) The person responsible for each source of emission of air contaminants must have a current operating license as specified by the Air Management Code.

  (b) The application for a license to operate a new installation shall be filed at least two weeks in advance of the date of initial operation. Prior to the operation of the installation, the Department shall approve or disapprove the application, or notify the applicant that the installation is incomplete with approval withheld pending completion or that a period of demonstration or test operation is required before approval may be granted.

(3) Submission of Source Information:

  (a) The Department shall establish procedures and forms for use in the review of applications for permits and licenses. These procedures shall prescribe the information to be supplied in order to determine if the proposed installation will conform to these regulations.

  (b) Information to be given in the permit or license application shall include, but not be limited to, the following:

    (1) Description of the proposed installation.

    (2) Design capacity of the process equipment including process weight and process weight per hour.

    (3) Expected physical and chemical composition of the emissions and pertinent design criteria such as discharge rate, concentration, volume and temperature.

    (4) Type and general characteristics of the air pollution control equipment.

    (5) Description and evaluation of the location of the discharge point of emissions of air contaminants and other factors relating to the dispersion and diffusion of air contaminants in the atmosphere.

    (6) The relation of the discharge point to nearby structures and topography if necessary to appraise the possible effects of the emissions.

(7) Type and general characteristics of any equipment for monitoring emissions and related alarm and recording systems.

Any additional information, plans, specifications, evidence, or documentation that the Department may require shall be furnished upon request.

(4) Conditions of Source Approval:

(a) Approval to construct, install, alter, replace, or operate any source of emission shall be granted only upon demonstration to the satisfaction of the Department that the source will not violate any provision of the Air Management Code or Regulations of the Air Pollution Control Board or prevent or interfere with attainment or maintenance of any national ambient air quality standard.

(b) Issuance of a permit or license shall not exempt any person from prosecution for violation of the Air Management Code, Regulations of the Air Pollution Control Board or any applicable laws of the Commonwealth of Pennsylvania or the United States Government. Where regulations are amended or new regulations adopted, the holders of permits and licenses issued prior to the effective date thereof shall comply with any new requirements within the period of time provided therein.

(5) Reporting Changes to Existing Installations:

(a) Where it is planned to take any approved installation, equipment, or device out of service for any reason, except for normal plant shutdowns, the Department shall be notified at least three days in advance. Where the reason for being out of service is breakdown, malfunction or similar emergency which may increase emissions, the Department shall be notified by telephone immediately with a written confirmation in 24 hours.

(b) No person shall change any installation such that the registered information concerning it is no longer accurate without first notifying the Department.

(c) Where a change of ownership occurs at any approved installation, the new owner shall notify the Department within 30 days of the change of ownership.

B. Emission Reporting:

(1) Recording and Submission of Emission Information:

(a) In addition to the provisions and requirements of Section II. A, the person responsible for any source of emission shall, upon notification from the Department, maintain such records as will disclose the nature, effects, extent, quantity or degree of air contaminants which are or may be discharged from such source of any other information as may be deemed necessary by the Department to determine compliance with applicable emission limitations or other control measures as well as the relative contribution of such source to air quality.

(b) The required information shall be summarized on source reporting forms supplied by the Department and shall be complete. The required information shall be submitted within 30 days after the receipt of a source reporting form, unless a time extension has been granted by the Department.

(c) Information recorded and copies of the source reporting forms submitted to the Department shall be retained by the person responsible for each source emission for two years after the date on which the pertinent report was submitted.

(2) Availability of Emission Data:

Emission data obtained from source reporting forms submitted to and verified by the Department will be correlated with applicable emission limitations and other control measures. All such emission data will be available for public inspection at the Department during normal business hours.

C. Confidential Information:

Any records, reports, information, or particular part thereof, other than emission data, relating to secret processes, methods of manufacture or production, or otherwise entitled to protection as trade secrets, provided to, required or obtained by the Department shall be kept confidential.

(9.0) Section III - Testing and Test Methods

A. The Department shall establish standard methods for the sampling and analysis of emissions to determine compliance with these regulations.

These standards shall be published and made available upon request at the office of the Department.

B. Requirements for testing. The Department may require any person to conduct, or have conducted, testing to determine compliance with these regulations. The Department may at its option witness or conduct such tests. Such testing will be done at a reasonable time, and all information gathered during a testing operation will be provided to both parties.

When the Department conducts or has such tests conducted, the person shall provide such sampling facilities, exclusive of instruments and sensing devices, as may be necessary to determine the quantity and character of emissions.

(2.0) Section IV - Availability of Technology

Any person who believes that there does not exist technology adequate for an existing installation to meet the requirements of these regulations may request within six months of the effective date, the Commissioner of Health, or his designated representative, to appoint an advisory committee of technical experts. The Commissioner of Health shall appoint the committee within two weeks of the receipt of such a request. The committee shall review the process and make a recommendation to the Department within 90 days, from the date of their appointment. This recommendation may be any of the following:

A. Compliance with these regulations.

B. Adoption of a regulation proposed by the committee governing the process, or processes, in question which provides for the application of known technology to control emissions.

C. Approval of a compliance schedule which considers any unusual problems in adapting known technology to the process in question, but not to exceed two years.

If the committee fails to make a report and recommendation, this regulation shall apply.

The committee report shall be forwarded to the Air Pollution Control Board, by the Department within two weeks of its receipt from the committee together with its own recommendations, for consideration and action. For a period of 150 days from the appointment of the committee, the Health Commissioner may withhold prosecution.

(2.0) Section V - Improvement and Plan

Where an improvement plan and compliance schedule has been approved, as provided in the Air Management Code (Section 3-301) (17), the compliance schedule in the approved plan shall govern.

(2.0) Section VI - Pre-Existing Regulations

All existing regulations of the Air Pollution Control Board not in conflict with these regulations shall remain in force.

(2.0) Section VII - Circumvention

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

(2.0) Section VIII - Severability

The provisions of these regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

(2.0) Section IX - Effective Date

Except as otherwise provided, these regulations shall become effective upon adoption. The owner of any source of emission, in existence or under construction at the time of adoption, shall notify the Department, within six months from the effective date, of his intent to discontinue any operations or activities which cause any emission that result in an emission in violation of these regulations or to control such emission to the extent required by these regulations, or that the emission is in compliance. Within a period of twelve months from the effective date, compliance shall be obtained at all sources of emission within the scope of these regulations.

(2.0) Section X - Compliance with Regulations of the Environmental Quality Board of Pennsylvania

No person shall discharge into the atmosphere any air contaminant in excess of the limits established in the regulations of the Environmental Quality Board of Pennsylvania, or shall utilize air contaminant control of less efficiency than required by the regulations of the Environmental Quality Board of Pennsylvania.

REGULATION II

(50.0) AIR CONTAMINANT AND PARTICULATE MATTER EMISSIONS

Section I

A. In addition to the previous citations, these regulations are adopted pursuant to Title 3, Air Management Code, which reads in part as follows:

(1) "Section 3-202, Open Fires:

No person shall ignite, burn or permit the continuation of the burning of garbage, refuse, or other waste material, demolition materials, leaves, grass, weeds, trees, batteries, wire, tires, cars, vehicles, or parts thereof, or any other combustible material in an open fire. Any open burning for salvage purposes is prohibited. This requirement shall not apply to outdoor home cooking. A special exception may be made by order of the Commissioner of Health where the First Commissioner certifies an emergency exists which endangers the public safety, and the Health Commissioner finds that no practical alternative method of disposal of hazardous or flammable materials exists. The conditions for allowing open fires shall be approved by both the Health and Fire Commissioners."

(2) "Section 3-302, Powers and Duties of the Air Pollution Control Board:

To promulgate regulations, implementing this Title, preventing degradation of air quality, preventing air pollution, eliminating air pollution nuisances and, limiting, controlling, or prohibiting the emission of air contaminants to the atmosphere from any sources. Such regulations may include, but are not limited to, the following:

(a) The concentration, volume, weight, and other characteristics of emissions of air contaminants to the atmosphere, the circumstances under which such emissions are permitted and the degree of control of emissions of air contaminants required;

(b) The emissions of air contaminants to the atmosphere and related actions which are prohibited;

(c) The types and kinds of control measures and actions, equipment, storage and handling facilities, processes and systems, including specifications and/or performance requirements, which may be required to control emissions of air contaminants to the atmosphere.

(d) The characteristics of fuels and wastes which may be combusted in the city, insofar as such characteristics may affect the emissions of air contaminants to the atmosphere.

(e) The density, opacity and duration of discharges and emissions of air contaminants to the atmosphere which obscure and reflect light, and the establishment of metnods for evaluating density, opacity, equivalent opacity or density."

B. These regulations control, and/or prohibit, the discharge or escape of certain air contaminants and particulate matter in the atmosphere.

(51.13) Section II - Open Fires

A. No person shall ignite, burn or permit the continuation of the burning of garbage, refuse, or other waste material, demolition material, leaves, grass, weeds, trees, batteries, wire, tires, cars, vehicles, or parts thereof, or any other combustible material in an open fire. Any open burning for salvage purposes is prohibited. Any person who operates, owns or controls premises where junk cars, demolition materials, refuse or other salvaged or waste materials are stored, processed or deposited, shall take all necessary measures to prevent fires and to extinguish any fires which may occur. Fire prevention measures shall include, among others, security measures to exclude unauthorized persons from entering upon the premises.

If a fire occurs when the premises are unattended, the Department may order fencing and/or a watchman to be employed by the owner, operator, or other person who controls the premises, for periods, when there are no other attendants.

B. It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or permitted said open burning.

(51.12) Section III - Toxic or Radioactive Air Contaminants

No person shall discharge into the atmosphere any toxic or radioactive air contaminant except where a request has been filed with the Department and approval granted by the Department which shall be based on a determination by the Department that the quantity, concentration, and duration of such emissions will not create a health hazard.

(50.1.2) Section IV - Visible Emissions

(1) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant, except uncombined water,

(a) For a period or periods aggregating more than three minutes in any one hour which:

  (1) Is darker in shade than that designated as No. 1 on the Ringelmann Chart, as published by the U.S. Bureau of Mines, or

  (2) Is darker than a comparable standard using such other charts or devices as the Department determines to be equivalent thereto; or

(b) For any period, which is darker than No. 3 on the Ringelmann Chart, or its equivalent; or

(c) Of such opacity as to obscure an observer's view to an equal or greater degree than either (a) or (b) above.

(d) The provisions of (a) above, do not apply to incinerators. Incinerators are regulated under the provision of Air Management Regulation XI, Control of Emissions from Incinerators.

(2) The provisions of (1) above shall apply to visible emissions of air contaminants that are white, black, shades of grey or colored.

(3) Trained employees certified by the Department may make observations to determine compliance with the provisions of (1) and (2) above without direct reference to standards.

(51.5) Section VI - Selection of Fuel for Particulate Matter Emission Control

The fuel used shall be compatible with the burning equipment and the furnace or boiler. Where there occur repeated violations of Section IV or V, above, the Department may order the use of a specific alternate fuel.

(50.1) Section VIII - Fugitive Dust

No person shall cause or permit the handling, transporting, storing, or disposing of any substance or material which is likely to be scattered by the wind, or is susceptible to being wind-borne, without taking effective precautions or measures to prevent air contamination. No person shall operate or maintain, or allow or cause to be operated or maintained, any premises, open area, right of way, storage piles, or vehicle, or any construction, alterations, demolition, or wrecking operation, or any other enterprises, which involves any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without effective precautions or measures to prevent air contamination. No person shall maintain, conduct, or use, or cause to be maintained, conducted, or used, any parking lot, or similar areas, unless the lot, area, or roadway is maintained in such manner as to prevent air contamination.

TABLE 1

Process Wt./hr.(lbs.)	Maximum Weight Disch./hr. (lbs.)
50	.24
100	.46
150	.66
200	.85
250	1.03
300	1.20
350	1.35
400	1.50
450	1.63
500	1.77
550	1.89
600	2.01
650	2.12
700	2.24
750	2.31
800	2.43
850	2.53
900	2.62
950	2.72
1000	2.80
1100	2.97
1200	3.12
1300	3.26
1400	3.40
1500	3.54
1600	3.66
1700	3.79
1800	3.91
1900	4.03
2000	4.14
2100	4.24
2200	4.34
2300	4.44
2400	4.55
2500	4.64
2600	4.74
2700	4.84
2800	4.92
2900	5.02
3000	5.10
3100	5.18
3200	5.27
3300	5.36
3400	5.44
3500	5.52
3600	5.61
3700	5.69
3800	5.77
3900	5.85
4000	5.93
4100	6.01
4200	6.08
4300	6.15
4400	6.22
4500	6.30
4600	6.37
4700	6.45
4800	6.52
4900	6.60
5000	6.67
5500	7.03
6000	7.37
6500	7.71
7000	8.05
7500	8.39
8000	8.71
8500	9.03
9000	9.67
10000	10.00
11000	10.63
12000	11.28
13000	11.89
14000	12.50
15000	13.13
16000	13.74
17000	14.36
18000	14.97
19000	15.58
20000	16.19
30000	22.22
40000	28.3
50000	34.3
60000 or more	40.0

REGULATION III

(50.2) THE CONTROL OF EMISSIONS OF OXIDES OF SULFUR COMPOUNDS

Section I.

A. In addition to the above citations, these regulations are adopted pursuant to Title 3, the Air Management Code, which reads in part as follows:

"Section 3-207, Sale of Fuel Oil

(1) Commercial Fuel Oil

(a) On and after the effective dates listed therein no fuel merchant shall store, offer for sale, sell, deliver for use or exchange in trade, for use in Philadelphia, and no person shall use commercial fuel oils which contain sulfur in excess of the percentages by weight set forth in the following table:

Grades of Commercial Fuel Oil	Classification by SSU Viscosity at 100°F.	Effective 5-1-70	Effective 10-1-72	Effective 3-31-75
No. 2 and lighter	Less than or equal to 45	0.3%	0.3%	0.2%
No. 4	Greater than 45 but less than 145	0.7%	0.4%	0.3%
No. 5, No. 6 and heavier	Equal to or greater than 145	1.0%	0.5%	0.3%

(b) The provisions of (a) above shall not apply in any case in which it is demonstrated to the Department that sulfur dioxide emissions, caused by the combustion of commercial fuel oils, from any stack or chimney into the outdoor atmosphere, can be controlled to levels that, on and after the effective dates listed herein, do not exceed at any time those quantities of sulfur dioxide, expressed in pounds per one (1) million BTU gross heat input, set forth in the following table:

Grade of Commercial Fuel Oil	Classification by SSU Viscosity at 100°F.	Permissible SO_2 Emissions (Pounds SO_2 per Million BTU Gross Heat Input)		
		Effective 5-1-70	Effective 10-1-72	Effective 3-31-75
No. 4	Greater than 45, but less than 145	0.74 lbs.	0.42 lbs.	0.30 lbs.
No. 5, No. 6 heavier	Equal to or greater than 145	1.1 lbs.	0.52 lbs.	0.30 lbs.

(2) Non-Commercial Fuel

(a) No person shall cause, suffer, allow or permit sulfur dioxide, caused by the combustion of non-commercial fuel or the combustion of non-commercial and commercial fuel mixtures, to be discharged from any stack or chimney into the outdoor atmosphere at any time in excess of 610 ppm by volume adjusted to twelve (12) percent carbon dioxide by volume; and, on and after October 1, 1973 no person shall cause, suffer, allow or permit sulfur dioxide, caused by the combustion of non-commercial and commercial fuel mixtures, to be discharged from any stack or chimney into the outdoor atmosphere at any time in excess of 310 ppm by volume adjusted to twelve (12) percent carbon dioxide by volume, or equivalent method approved by the Department.

(b) Where a single manufacturing facility contains multiple stacks or chimneys for discharge of flue gases from burning non-commercial fuels or non-commercial and commercial fuel mixtures, the emissions from any single stack may exceed the SO_2 concentration limits given in (2) (a) provided that it can be satisfactorily demonstrated to the Department that:

(1) The emission rate of sulfur dioxide from non-commercial fuel combustion on a total weight basis for the facility will not exceed that allowed by (2) (a), and

(2) The ground level concentrations of sulfur dioxide at any point in the neighborhood, area, or region caused by the combustion of all non-commercial fuel at the facility shall not exceed those concentrations that would result from compliance with (2) (a), and

(3) The concentration of SO_2 emitted from any such stack does not exceed any limit imposed by regulations of the State of Pennsylvania or the U.S. Environmental Protection Agency, and

(4) Compliance with (2) (b) shall not prevent the achievement or maintenance of any national air quality standard for SO_2 established by the Environmental Protection Agency.

(c) Any person responsible for the discharge of SO_2 caused by the combustion of non-commercial fuel or the combustion of non-commercial and commercial fuel mixtures from any stack or chimney as provided for in (2) (a) and (2) (b) shall submit a detailed report to the Department at least once every month, providing fuel usage and emissions information sufficiently adequate to determine compliance with this section.

(3) Exemptions

(a) The provisions of this section shall not apply to commercial fuel used by ocean-going vessels.

(16.0) "Section 3-302, Power and Duties of the Air Pollution Control Board

(1) To promulgate regulations implementing this Title, preventing degradation of air quality, preventing air pollution, eliminating air pollution nuisances and, limiting, controlling, or prohibiting the emission of air contaminants to the atmosphere from any source. Such regulations may include, but are not limited to, the following:

(a) The concentration, volume, weight, and other characteristics of emissions of air contaminants to the atmosphere, the circumstances under which such emissions are permitted and the degree of control of emissions of air contaminants required;

(b) The emissions of air contaminants to the atmosphere and related actions which are prohibited;

(c) The types and kinds of control measures and actions, equipment, storage and handling facilities, processes and systems, including specifications and/or performance requirements, which may be required to control emissions of air contaminants to the atmosphere.

(d) The characteristics of fuels and wastes which may be combusted in the city, insofar as such characteristics may affect the emissions of air contaminants to the atmosphere."

These regulations control, and/or prohibit, the discharge or escape of oxides or sulfur compounds to the atmosphere and control and/or prohibit, the sulfur content of fuels burned in the City of Philadelphia. All available measures shall be taken to prevent the emission of oxides of sulfur to the atmosphere, but in no event shall the measures employed be less effective than those in the following sections.

(50.2) Section II. Control of Emissions of Sulfur Compounds

A. No person shall cause or permit an emission from a specific source of oxides of sulfur calculated as sulfur dioxide (SO_2) which results in ground level concentrations at any point in excess of 3.0 ppm (volume) at any time, an average 0.5 ppm (volume) for a 15 minute period, or an average of 0.1 ppm (volume) in any 8 hour period.

B. Except as provided in Section 3-207 of Title 3, no person shall cause or permit the emission of oxides of sulfur from a specific source or process in excess of 0.1 per cent by volume. Within two years, the emission rate shall be limited to 0.05 per cent by Volume. Dilution or diffusion of exhaust gases is not an acceptable means of meeting this requirement.

C. Compliance with these provisions shall be determined by standard methods established by the Department which may include procedures for sampling and analysis or for stoichiometric calculations.

(51.6) Section III. Control of Sulfur in Fuels

A. No person shall store, offer for sale, sell, deliver for use, or exchange in trade for use in Philadelphia, and no person shall burn any fuels in the City of Philadelphia, except as provided in (2) below, the sulfur content of which exceeds the following:

(1) Fuel Oil shall not exceed the content limits of Section 3-207 of Title 3 (see above).

(2) Coal shall not exceed the following content limits:

(a) Bituminous Coal shall not exceed two per cent by weight after May 1, 1970, one per cent by weight after July 1, 1971, and 0.3 per cent by weight after October 1, 1972.

(b) Anthracite Coal shall not exceed 0.7 per cent by weight after May 1, 1970, and 0.3 per cent by weight after October 1, 1972.

B. For those installations where equipment or processes are used to reduce the emissions from the burning of fuels with a higher sulfur content than that specified in (1) above, the emissions shall not exceed that which would result from the use of the fuels specified in (1) above. (The equipment and/or process must be approved by the Department.)

C. Where the delivery of low sulfur fuel is interrupted because of accident or other emergency conditions, the Department may authorize the use of an alternate fuel supply, containing the least amount of sulfur available, for a period not to exceed two weeks.

A longer period of time may be authorized by the Department only after review and recommendation by the Air Pollution Control Board.

(8.0) AIR MANAGEMENT REGULATION IV

GOVERNING AIR POLLUTION CONTROL MEASURES DURING HIGH AIR POLLUTION EPISODES

(1.0) Section I - Definitions

A. In addition to definitions provided in the Air Management Code, the following definitions apply to this Regulation:

COH Units - This is an abbreviated form for co-efficient of haze and is a measurement derived from the transmittance of light through a paper tape, and normalized to 1000 linear feet of air. The co-efficient of haze is derived from transmission by the formula"

$$COH-\log_{10}\left(\frac{1}{T}\right).$$

Oxidants - This is a major class of chemical compounds which act as an indicator of photochemical smog. Ozone and perozyacyl nitrates are the principal identifiable oxidants in air.

Photo-Reactive Organic Material - Any organic materials which will react with oxygen, excited oxygen, ozone and/or other free radicals generated by the action of sunlight on components in the atmosphere giving rise to secondary contaminants and reaction intermediates in the atmosphere which can cause detrimental effects.

(8.0) Section II - Declaration of Conditions

The Health Commissioner or his designated representative shall declare the existence of an Air Pollution Stage I, Stage II and/or an Air Pollution Emergency in all or any part of the City under the following conditions:

A. "Forecast" exists when an atmospheric stagnation advisory is issued by the National Weather Service. This initiates an internal watch by the Department.

B. Stage I - When a 36-hour stagnation forecast is received from the National Weather Service and one or more of the following Air Pollutant levels exist at any air quality monitoring station in Philadelphia:

(1) Sulfur Dioxide in excess of 0.3 ppm in a six hour moving average, or

(2) Particulate in excess of 4.0 COH units in a six hour moving average, or

(3) Product of Sulfur Dioxide and Particulate twenty-four hour moving average in excess of 0.3 ppm-COH, or

(4) Nitrogen Dioxide in excess of 0.2 ppm in a twenty-four hour moving average.

C. Stage II - When one or more of the following air pollutant levels exist at any air monitoring station in Philadelphia:

(1) Sulfur Dioxide in excess of 0.5 ppm in a six hour moving average, or

(2) Particulate in excess of 6.0 COH units in a six hour moving average, or

(3) Product of Sulfur Dioxide and Particulate twenty-four hour moving average in excess of 0.9 ppm-COH, or

(4) Carbon Monoxide in excess of 30 ppm in an eight hour moving average, or

(5) Total Oxidants in excess of 0.25 ppm in a four hour moving average, or

(6) Nitrogen Dioxide in excess of 0.3 ppm in a 24 hour moving average.

D. Emergency - When one or more of the following levels exist at any air monitoring station in Philadelphia:

(1) Sulfur Dioxide equal to or exceeding 0.6 ppm in a twenty-four hour moving average, or

(2) Particulate equal to or exceeding 7.0 COH units in a twenty-four hour moving average, or

(3) Product of Sulfur Dioxide and Particulate twenty-four hour moving average equal to or exceeding 1.4 ppm-COH, or

(4) Carbon Monoxide equal to or exceeding 40 ppm in a eight hour moving average, or

(5) Total Oxidants equal to or exceeding 0.35 ppm in a four hour moving average, or

(6) Nitrogen Dioxide equal to or exceeding 0.4 ppm in a twenty-four hour moving average.

E. A localized or general Stage I, Stage II, or Emergency condition may be called by the Health Commissioner or designated representative regardless of the levels set forth above, when in his opinion, a threat to public health from air pollution exists. This Regulation may be implemented when the above stated levels are reached at any representative air quality monitoring station outside of Philadelphia, but within the Philadelphia area air quality region as designated by the Environmental Protection Agency.

(8.0) Section III - Termination of Conditions

Termination of any stage of an air pollution episode shall occur when all the criteria no longer exist for that stage and shall not likely reoccur. At that time, the next lower status shall be in effect.

(8.0) Section IV - Alert and Notification System by the Health Commissioner and the Emergency Coordinator.

A. The Department shall maintain daily contact with the National Weather Service to ascertain the development of meteorological conditions. During periods of unfavorable meteorological conditions contact will be made at least once each 12 hours. During such periods, the Department shall periodically contact surrounding jurisdictions to coordinate regional response to the high air pollution levels.

B. When the Commissioner of Health, or his designated representative, declares any of the high air pollution conditions enumerated in Section II, he shall also notify the Emergency Coordinator of the City of Philadelphia. The Emergency Coordinator or his designated representative shall forthwith proceed to take actions necessary to implement the requirements of this Regulation until the declared episode has been terminated by the Commissioner of Health, or his designated representative.

C. During Air Pollution Stage I, Stage II and Air Pollution Emergency, the Emergency Coordinator or his designated representative will release to the news media the levels of pollutants in the City, the episode condition reached, and any other information or any orders required to effect a reduction in emissions and protect public health.

D. Establishments with emission reduction plans will be notified of the existence of high air pollution conditions through the mass media, properly identified telephone calls, or contact with the Emergency Coordinator or his designated representative.

(8.0) Section V - Advance Preparation for High Air Pollution Episodes

A. Emission reduction plans are required for each business or other establishment which emits 100 tons of pollutants per year or more, or is designated a major source or a major user of electricity by the Department. Those businesses or other establishments which are not required to submit plans shall develop an internal procedure to meet the objectives and requirements set forth in Tables I, II, and III. Such plans shall specify measures which will be taken to reduce air contaminant emissions during episode conditions. These plans shall be submitted in writing to the Department for approval within sixty days of the written notification by the Department. Plans shall specify separate and increasingly stringent actions for reducing each type of air pollution emission for Stage I, Stage II, and Emergency in accordance with the minimum requirements set forth in Tables I, II, and III. The Department shall be supplied with sufficient information to determine the emission reduction that will be attained for each pollutant during each condition. The plans shall also designate an individual and at least two alternates responsible for the execution of the plans and any other actions or orders issued under this Regulation. During high air pollution episodes and upon notification as stated in Section IV, D., plans approved by the Department are formal orders to be executed at once to protect public health.

B. The Department shall develop and issue a contingency plan for the implementation of this Regulation. This plan will include the programs developed by companies as described under A. of this Section. The contingency plan will also list activities including specific companies, establishments and types of businesses which may continue with little or no restriction during episodes.

C. Upon written notice by the Department, any person owning or conducting any operation which results in the emission of air contaminants shall perform tests to determine the rate of operation and other conditions which will result in minimum air contaminant emission to the atmosphere. A copy of the test results shall be submitted to the Department and will be used as a guide in the evaluation of emission reduction plans for Stage II or Emergency Conditions.

D. The Commissioner of Health may appoint such committees he deems necessary to advise and assist the Department in developing the contingency plan for high air pollution episodes. Such committees may include, but not be limited to, a technical industry committee, a medical care committee, a community coordination committee, a transportation committee, and a solid waste committee. A representative of the Department shall serve as a member of each committee. Meetings of a committee shall be held at the call of the chairman of the committee or the Commissioner of Health, or his designated representative.

(2.0) Section VI - Actions and Restrictions

When the Health Commissioner or his designated representative declares any of the high air pollution conditions in Section II, the following actions and any other actions ordered by the Emergency Coordinator or his designated representative shall be taken by those responsible, including businesses and other persons having emission reduction plans, those without plans, the general public, and the City, State and Federal Governments.

A. High Sulfur Dioxide Levels

(1) During Stage I Conditions:

(a) Businesses and other establishments with emission reduction plans for sulfur dioxide shall invoke them for Stage I, and

(b) Manufacturers and other businesses without plans shall reduce sulfur dioxide emissions by curtailing sulfur dioxide producing operations including process steam and heat load demands, and the use of electrical power, and

(c) Businesses, other establishments and the general public shall reduce electrical power consumption by limiting the use of electric ovens, toasters, irons, dishwashers, air conditioners, lights, signs, and other electrical devices.

(2) During Stage II Conditions:

(a) All persons shall continue those actions for Stage I, high sulfur dioxide concentrations, and in addition,

(b) Businesses and other establishments with emission reduction plans for sulfur dioxide or curtailment of electrical power shall invoke them for Stage II, and

(c) Manufacturers and other businesses without plans will reduce sulfur dioxide emissions by curtailing sulfur dioxide producing operations including process steam and heat load demands, and the use of electrical power by assuming reasonable economic hardship, and,

(d) Businesses and other establishments without plans and the general public shall reduce the temperature in their buildings and homes to 70°F if oil or coal heating is used, or increase the temperature to 80°F if air conditioning is used, and

(e) Sensitive persons shall minimize exposure to the outside atmosphere.

(3) During Emergency Conditions:

(a) All persons shall continue those actions for Stage II, high sulfur dioxide concentrations, and in addition

(b) Businesses and other establishments with emission reduction plans for sulfur dioxide shall invoke them for the Emergency condition, and

(c) Businesses and other establishments including but not limited to those listed in Table IV shall immediately discontinue operation, and send personnel home until the Emergency Condition is over. Heat or air conditioning in these establishments shall be reduced to a minimum sufficient only to protect buildings and equipment. Exceptions are listed for exemption in the contingency plan, and

(d) The general public shall reduce the temperature in their homes 65°F if coal or oil heat is used, and

(e) Use of electric ovens, toasters, irons, dishwashers, air conditioners, lights, and other electrical devices shall be restricted to essential needs and

(f) All persons shall minimize their exposure to the outside atmosphere.

B. High particulate Levels

(1) During Stage I Conditions:

(a) Businesses and other establishments with emission reduction plans for particulate matter shall invoke them for Stage I, and

(b) Manufacturers and other businesses without plans shall reduce particulate emissions by curtailing particulate producing operations including process steam and heat load demands, and the use of electrical power, and

    - (c) Businesses and other establishments without plans will limit lancing and soot blowing of boilers and the operation of incinerators to between the hours of 12:00 Noon and 4:00 P.M.

- (2) During Stage II Conditions:

    - (a) All persons shall continue those actions for Stage I, high particulate matter concentrations, and in addition

    - (b) Businesses and other establishments with emission reduction plans for particulate matter shall invoke them for Stage II, and,

    - (c) Manufacturers and other businesses without plans will reduce particulate emissions by curtailing particulate producing operations including process steam and heat load demands, and the use of electrical power by assuming reasonable economic hardships, and

    - (d) Businesses and the general public shall reduce the temperature in their buildings and homes to 70°F if they use oil or coal heat, or increase the temperature to 80°F if air conditioning is used, and

    - (e) Businesses and other establishments without plans shall limit lancing or soot blowing of boilers to between the hours of 12:00 Noon and 4:00 P.M., and

    - (f) Incinerators burning less than 10,000 lb./hr. of waste shall cease operations, and

    - (g) The use of electrical devices shall be limited, and

    - (h) Sensitive individuals will minimize exposure to the outside atmosphere.

- (3) During Emergency Conditions:

    - (a) All persons shall continue those actions for Stage II, high particulate matter concentrations, and in addition

    - (b) Businesses and other establishments with emission reduction plans for particulate matter, shall invoke them for Emergency Condition, and

    - (c) The Department shall invoke the traffic control plan for the Emergency Condition, and

    - (d) Businesses and other establishments including but not limited to those listed in Table IV shall immediately discontinue operation, and send personnel home until the Emergency condition is over. Heat or air conditioning in these establishments shall be reduced to a minimum sufficient only to protect buildings and equipment. Exceptions are listed for exemption in the contingency plan, and

(e) The general public shall reduce the temperature in their homes to 65°F if coal or oil heat is used, and

(f) Use of electric ovens, toasters, irons, dishwashers, air conditioners, lights, and other electrical devices shall be restricted to essential needs only, and

(g) Incinerators shall cease operation, and

(h) All persons shall limit use of motor vehicles to emergency needs only. Exceptions are listed for exemption in the contingency plan, and

(i) All persons shall minimize exposure to the outside atmosphere.

C. High Sulfur Dioxide - Particulate Product Levels

(1) During Stage I Conditions:

All actions included in Section VI., A. 1, and B. 1.

(2) During Stage II Conditions:

All actions included in Section VI., A. 2, and B. 2.

(3) During Emergency Conditions:

All actions included in Section VI., A. 3, and B. 3.

D. High Carbon Monoxide Levels

(1) During Stage I Conditions:

(Reserved for Future Use)

(2) During Stage II Conditions:

(a) (Reserved for Future Use)

(b) Businesses and other establishments with emission reduction plans for carbon monoxide matter shall invoke them for Stage II, and

(c) The Department shall invoke the traffic control plan for Stage II, and

(d) All persons shall limit use of motor vehicles by increasing the use of public transportation and car pools and the elimination of unnecessary operation, and

(e) Information shall be given to the public as to which roads or areas of the City are to be particularly avoided, and

(f) Individuals predisposed toward cardiac conditions shall minimize exposure to the outside atmosphere and avoid exercise.

(3) During Emergency Conditions:

(a) All persons shall continue those actions for Stage II high carbon monoxide concentrations, and in addition

(b) Businesses and other establishments with emission reduction plans for carbon monoxide shall invoke them for the emergency condition, and

(c) Businesses and other establishments shall discontinue operation and send personnel home until the Emergency Condition is over. Exceptions are listed for exemption in the contingency plan, and

(d) The Department shall invoke the traffic control plan for the Emergency condition, and

(e) All persons shall limit use of motor vehicles to emergency needs only. Exceptions are listed for exemption in the contingency plan, and

(f) All persons will minimize exposure to the outside atmosphere and avoid exercise.

E. High Nitrogen Dioxide Levels

(1) During Stage I Conditions:

(a) Businesses and other establishments with emission reduction plans for nitrogen dioxide shall invoke them for Stage I, and

(b) Manufacturers and other businesses without plans will reduce nitrogen dioxide emissions by curtailing nitrogen dioxide producing operations including process steam and heat load demands and the use of electrical power, and

(c) Businesses and other establishments without plans and the general public will reduce electric power consumption by limiting the use of electric ovens, toasters, irons, dishwashers, air conditioners, lights, signs, and other electrical devices, and

(d) All persons will limit use of motor vehicles to essential needs only.

(2) During Stage II Conditions:

   (a) All persons shall continue those actions for Stage I, high nitrogen oxide concentrations, and in additon

   (b) The Department shall invoke the traffic control plan for Stage II, and

   (c) Businesses and other establishments with emission reduction plans for nitrogen dioxide shall invoke them for Stage II, and

   (d) Manufacturers and other businesses without plans will reduce nitrogen dioxide emissions by curtailing nitrogen dioxide producing operations including process steam and heat load demands, and the use of electrical power by assuming a reason-economic hardship, and

   (e) Businesses and other establishments without plans and the general public shall reduce the temperature in their buildings and homes to 70°F, if heating or increase the temperature to 80°F, if air conditioning, and

   (f) All persons shall limit use of motor vehicles by increasing the use of public transportation and car pools and the elimination of unnecessary operation. Information shall be given to the public as to which roads or areas of the City are to be particularly avoided, and

   (g) Sensitive individuals shall minimize exposure to the outside atmosphere.

(3) During Emergency Conditions:

   (a) All persons shall continue those actions for Stage II high nitrogen oxide concentrations, and in addition

   (b) The Department shall invoke traffic control plan for the Emergency condition, and

   (c) Businesses and other establishments with emission reduction plans for nitrogen dioxide shall invoke them for the Emergency condition.

   (d) Businesses and other establishments including but not limited to those listed in Table IV shall immediately discontinue operation, and send personnel home until the Emergency Condition is over. Heat or air conditioning in these establishments shall be reduced to a minimum sufficient only to protect buildings and equipment. Exceptions are listed for exemption in the contingency plan.

(e) The general public shall reduce the temperature in their homes to 65°F if heating, and

(f) All persons shall limit use of motor vehicles to emergency needs only. Exceptions are listed for exemption in the contingency plan, and

(g) The use of electric ovens, toasters, irons, dishwashers, air conditioners, lights, signs, and other electrical devices shall be restricted to essential needs only, and

(h) All persons will minimize exposure to the outside atmosphere.

F. High Oxidant Levels

(1) During Stage I Conditions:

(Reserved for Future Use)

(2) During Stage II Conditions:

(a) (Reserved for Future Use)

(b) Businesses and other establishments with emission reduction plans for photochemically reactive organic materials shall invoke them for Stage II, and

(c) Section VI, E, 2 shall be invoked, and

(d) The Department shall invoke traffic control plan for Stage II, and

(e) Gasoline sales and the unnecessary filling of storage tanks with reactive organic materials shall be prohibited between 6:00 A.M. and 12:00 Noon.

(f) All persons shall limit use of motor vehicles by increasing the use of public transportation and car pools and the elimination of unnecessary operation. Information shall be given to the public as to which roads and areas of the City are to be particularly avoided.

(g) Sensitive individuals shall minimize exposure to the outside atmosphere.

(3) During Emergency Conditions:

(a) All persons shall continue those actions for Stage II high oxidant concentrations, and in addition

(b) Businesses and other establishments with emission reduction plans for photochemically reactive organic materials shall invoke them for the Emergency Condition, and

(c) Businesses and other establishments shall discontinue operation and send personnel home until the Emergency Condition is over. Exceptions are listed for exemption on the contingency plan, and

(d) Section VI, E, 3., shall be invoked, and

(e) The Department shall invoke the traffic control plan for the Emergency Condition.

(f) All persons shall limit use of motor vehicles to emergency needs only. Exceptions are listed for exemption in the contingency plan.

(g) All persons will minimize exposure to the outside atmosphere.

(2.0) Section VII - Severability

The provisions of this Regulation are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, section or part of the ordinance of their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these Regulations would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

(2.0) Section VIII - Effective Date

This Regulation shall become effective upon adoption.

TABLE 1

Minimum Abatement Strategies for Emission Reduction Plans

Stage I Condition

Source of Air Pollution	Control Action
1. Oil or Coal-fired electric generating facilities.	a. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
	b. Substantial reduction of fuel burning by diverting electric power generation to facilities outside of the area.

Source of Air Pollution	Control Action
2. Oil or Coal-fired process steam generating facilities.	a. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
	b. Substantial reduction of steam load demands consistent with continuing plant operations.
	c. Maximum reduction of the use of electrical devices.
3. Manufacturing industries of the following classifications: Primary Metals Petroleum Refining Chemical Mineral Processing Paper and Allied Products Grain	a. Substantial reduction of air pollutant emissions from manufacturing operations by curtailing, postponing, or deferring productions and all operations.
	b. Maximum reduction by deferring the operation of trade waste disposal operations which emit solid particles, gas vapors or malodorous substances.
	c. Maximum reduction of heat load demands for processing.
	d. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
	e. Maximum reduction of the use of electrical devices.

TABLE II

Minimum Abatement Strategies for Emission Reduction Plans

Stage II Condition

Source of Air Pollution	Control Action
1. Oil or Coal-fired electric power generating facilities.	a. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
	b. Maximum reduction of fuel burning by diverting electric power generation to facilities outside of the area.
2. Oil or Coal-fired process steam generating facilities.	a. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

Source of Air Pollution	Control Action
	b. Substantial reduction of steam load demands consistent with continuing plant operations.
	c. Maximum reduction of the use of electrical devices.
3. Manufacturing industries of the following classifications: Petroleum Refining Chemical Primary Metals Glass Paper and Allied Products	a. Maximum reduction of air pollutant emissions from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.
	b. Maximum reduction by deferring the operation of trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances.
	c. Maximum reduction of heat load demands for processing.
	d. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
	e. Maximum reduction of the use of electrical devices by assuming reasonable economic hardship.

TABLE III

Minimum Abatement Strategies for Emission Reduction Plans

Emergency Condition

Source of Air Pollution	Control Action
1. Oil or Coal-fired electric power generating facilities.	a. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
	b. Maximum reduction of fuel burning by diverting electric power generation to facilities outside of Emergency area.

Source of Air Pollution	Control Action
2. Oil or Coal-fired process steam generating facilities.	a. Maximum reduction of fuel burning by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Maximum reduction of the use of electrical devices without causing physical injury to persons.
3. Manufacturing industries of the following classifications: Primary Metals Petroleum Refining Chemical Mineral Processing Grain Paper and Allied Products	a. Elimination of air pollutant emissions from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing physical injury to persons
	b. Elimination of air pollutant emissions from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances.
	c. Maximum reduction of heat load demands for processing.
	d. Maximum utilization of mid-day (12 Noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
	e. Maximum reduction of the use of electrical devices.

TABLE IV

Emergency Business and Establishment List

1. All construction work except that which must proceed to avoid imminent physical harm to persons.

2. All manufacturing establishments.

3. All wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

4. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are vital for public safety and welfare and the enforcement of the provisions of this Regulation.

5. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

6. Banks, credit agencies, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

7. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studies, beauty shops, barber shops.

8. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

9. Automobile repair and service garages.

10. Establishments rendering amusement and recreational services including motion picture theaters.

11. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

REGULATION V

(50.4) REGULATION FOR AIR MANAGEMENT
CONTROL OF EMISSIONS OF ORGANIC SUBSTANCES FROM STATIONARY SOURCES

(1.0) Section I - Definitions

Architectural Coating

Any coating used for residential, commercial or industrial buildings and their appurtenances.

Kerosine

Any petroleum hydrocarbon which when distilled by ASTM standard test method D 86-67 will give a temperature of 401°F or less at 10 percent point recovered.

Oil-Effluent Water Separator

Any tank, box, sump, or other container or group of such containers in which any organic material floating on, or entrained, or contained in water entering such containers is physically separated and removed from such water prior to the exit from the container of such water.

rganic Material

Chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides and ammonium carbonates.

Organic Solvent

An organic material which is liquid at standard conditions and which is used as a dissolver, viscosity reducer or cleaning agent.

Photo-Reactive Organic Material

Any organic material which will react with oxygen, excited oxygen, ozone and/or other free radicals generated by the action of sunlight on components in the atmosphere giving rise to secondary contaminants and reaction intermediates in the atmosphere which can cause detrimental effects.

Photochemically Reactive Organic Materials

A photochemically reactive organic material is:

(1) Any combination of hydrocarbons, alcohols, aldehydes, esters or ketones having an olefinic or cyclo-olefinic type of unsaturation comprising 5 percent or more by volume of the organic material, or

(2) Any combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene comprising 8 percent or more by volume of the organic material, or

(3) Any combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene, or toluene comprising 20 percent or more by volume of the organic material, or

(4) Any combination of any of the above mentioned chemical compounds comprising 20 percent or more by volume of the organic material.

Reid Vapor Pressure

Reid Vapor Pressure (RVP) is the absolute pressure in pounds per square inch determined at 100°F and v/l = 4 (ratio of vapor volume to liquid volume, as defined in ASTM designation D 323-58) by using apparatus and procedures as standardized under the auspices of the American Society for Testing Materials.

Submerged Fill Pipe

Any fill pipe, the discharge opening of which is submerged when the liquid level is 6 inches above the bottom of the tank.

(51.16) Section II - Storage Tank

A. No person shall place or store in any stationary storage tank or container of 40,000 gallon capacity or greater, any organic material having a vapor pressure of 1.5 pounds per square inch absolute or greater at actual storage conditions unless one of the following organic material vapor control devices properly installed and well maintained is in operation:

  (1) A floating roof resting on the surface of the liquid contents equipped with a closure seal, or seals, to close the space between the roof edge and tank wall, and in addition, all tank gauging and sampling devices shall be gas-tight except when in use, or

  (2) A pressure tank system maintaining a pressure at all times so as to prevent organic material loss to the atmosphere, or

  (3) A vapor recovery system capable of collecting the organic materials emitted from the tank and disposing of these emissions so as to prevent their emission to the atmosphere, and in addition, all tank gauging and sampling devices shall be gas-tight except when in use, or

  (4) Other equipment equal or greater in efficiency to those devices listed above, and approved by the Department.

B. No person shall place, or store in any stationary storage tank or container of 40,000 gallon capacity or greater, any organic material having a vapor pressure of 11.0 pounds per square inch absolute or greater at actual storage conditions unless one of the following organic material vapor control devices properly installed and well maintained, is in operation:

  (1) A pressure tank system maintaining a pressure at all times so as to prevent organic material loss to the atmosphere, or

  (2) A vapor recovery system capable of collecting the organic materials emitted from the tank and disposing of these emissions so as to prevent their emission to the atmosphere, and in addition, all tank gauging and sampling devices shall be gas-tight except when in use, or

  (3) Other equipment equal or greater in efficiency to those devices listed above, and approved by the Department.

(51.16) Section III. Oil-Effluent Water Separator

No person shall use any compartment of any single or multiple compartment oil-effluent water separator which may receive 200 gallons a day or more of organic materials or mixture of organic materials consisting of kerosine or more volatile organic materials unless one of the following organic material vapor control devices properly installed and well maintained, is in operation:

(1) A solid cover sealed and totally enclosing the liquid contents, and in addition, all gauging and sampling devices shall be gas-tight except when in use, or

(2) A floating roof resting on the surface of the liquid contents equipped with a closure seal or seals to close the space between the roof edge and wall, and in addition, all tank gauging and sampling devices be gas-tight except when in use, or

(3) A vapor recovery system capable of collecting the organic materials emitted from the separator and disposing of these emissions so as to prevent their emission to the atmosphere, and in addition, all tank gauging and sampling devices shall be gas-tight except when in use, or

(4) Other equipment equal or greater in efficiency to those devices listed above, and approved by the Department.

(2.0) Section IV. Pumps and Compressors

All pumps handling organic materials having a vapor pressure of 1.5 pounds per square inch absolute or greater at ambient conditions and compressors in organic material service shall have mechanical seals, or other components of equal or greater efficiency approved by the Department.

(51.16) Section V. Organic Material Loading

A. No person shall load any organic material having a Reid vapor pressure of 4.0 pounds or greater into any tank truck, tank car, or trailer from any loading facility from which 20,000 gallons or more of such organic material are loaded in any one day from this facility unless this facility is equipped with a vapor recovery system properly installed, well maintained, in operation, and approved by the Department. Such a vapor recovery system shall be capable of collecting the organic materials emitted from the filling operation and disposing of these emissions so as to prevent their release to the atmosphere. All loading connections in the system shall be equipped with fittings which shall be vapor tight and will automatically and immediately close upon disconnection so as to prevent organic material emissions from these fittings.

This section shall not apply to the loading of fuel tanks of motor vehicles as defined by the Pennsylvania Department of Transportation.

B. No person shall load or permit the loading of any organic material having a Reid vapor pressure of 4.0 pounds or greater from any tank truck, tank car or trailer into a stationary tank with a capacity of 250 gallons or more except through a permanent submerged fill pipe unless the tank is equipped with an approved vapor control system as described in Section II.

This section shall not apply to the loading of such organic materials into any tank having a capacity of less than 2,000 gallons which was installed underground prior to the date of adoption of this Regulation.

(50.4) Section VI. Organic Solvents

A. No person shall discharge any organic material into the atmosphere or into any building or other enclosure in any one day from any machine, equipment or device in which any organic solvent or solvent containing material is in direct contact with a flame or is baked, heat-cured or heat polymerized in the presence of oxygen unless this discharge does not exceed 15 pounds per day or is reduced by at least 85 percent overall.

B. No person shall discharge any organic material into the atmosphere or into any building or other enclosure in any one day from any machine, equipment or device not specifically defined in Section VI A. used for employing, applying, evaporating or drying any photochemically reactive organic solvent as defined in Section I or material containing such solvent unless this discharge does not exceed 40 pounds per day or is reduced by at least 85 percent overall.

C. This section shall not apply to the employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(50.4) Section VII. Processing of Photochemically Reactive Organic Materials

No person shall discharge any organic material into the atmosphere or into any building or other enclosure in any one day from any machine, equipment or device not specifically defined in Section VI A. used in the processing and/or manufacturing of photochemically reactive organic material as defined in Section I or substance containing such photochemically reactive organic material unless this discharge does not exceed 40 pounds per day or is reduced by at least 85 percent overall.

(50.4) Section VIII. Architectural Coatings

No person shall sell or offer for sale, employ, apply or evaporate in the City of Philadelphia any architectural coating purchased in a quantity of one gallon or more containing a photochemically reactive solvent as defined in Section I.

No person shall thin or dilute any architectural coating for use in the City of Philadelphia, with a solvent containing a photochemically reactive solvent as defined in Section I in any quantity.

All containers of architectural coatings sold, employed, applied or evaporated in the City of Philadelphia purchased in a quantity of one gallon or more containing any approved solvent shall be labeled to indicate compliance with this Regulation.

(51.16) Section IX. Disposal of Solvents

No person shall during any one day dispose of a total of more than 5 gallons of any photochemically reactive solvent as defined in Section I by any means which will permit evaporation of such solvent into the atmosphere.

(50.6) Section X. Odors

Where organic materials referred to in this regulation are odorous, the emissions of such materials shall be in compliance with this regulation and, in addition, shall be controlled as required to prevent any odor nuisance they might create.

(51.12) Section XI. Radioactive and Toxic Organic Materials

Where organic materials referred to in this regulation are radioactive or toxic in nature, additional requirements may be imposed by the Department to reduce continuous and periodic emissions to levels necessary to prevent a health hazard, and to prevent the accidental release of such materials into the atmosphere.

(2.0) Section XII. Circumvention

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

(2.0) Section XIII. Severability

The provisions of this regulation are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance: such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, section or part of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is applicable had not specifically been exempted therefrom.

(2.0) Section XIV. Effective Date

Except as otherwise provided, these regulations shall become effective upon adoption. The owner of any source of emission, in existence or under construction at the time of adoption, shall notify the Department within six months from the effective date, by an approved compliance schedule filed, of his intent to discontinue any operations or activities which cause any emissions that result in an emission in violation of these regulations or to control such emission to the extent required by these regulations, or that the emission is in compliance. Within a period of eighteen months from the effective date, compliance shall be obtained at all sources of emission within the scope of this regulation.

REGULATION VIII

(50.5) CONTROL OF EMISSIONS OF CARBON MONOXIDE FROM STATIONARY SOURCES

(1.0) Section I - Definitions

Stationary Source

Any building, structure, facility, or installation which is fixed in a certain place or position which emits or may emit any air contaminants.

Person

Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state, or local government or other entity recognized by law as a subject of rights and duties.

(2.0) Section II - General

No person shall emit carbon monoxide gases generated during the operation of the following sources unless the gases are incinerated at a temperature of not less than 1400 degrees Fahrenheit for a period of not less than 0.5 seconds or are controlled by means of equal or greater efficiency:

(1) Gray iron cupola furnace, or

(2) Blast furnace, or

(3) Basic oxygen steel furnace, or

(4) Catalyst regeneration of a petroleum cracking system, or

(5) Petroleum fluid coker, or

(6) Other stationary sources emitting Carbon Monoxide (CO) in a concentration greater than one (1) percent by volume in the exhaust gases.

(9.0) Section III - Equipment Monitoring

An instrument or instruments for continuously monitoring and/or recording emissions of carbon monoxide or process parameters well maintained, in operation, and approved by the Department shall be installed at all sources governed by this Regulation when required by the Department.

(2.0) Section IV - Circumvention

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

(2.0) Section V - Severability

The provisions of these regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically be exempted therefrom.

(2.0) Section VI - Effective Date

Except as otherwise provided, this Regulation shall become effective upon adoption. The owner of any source of emission, in existence or under construction at the time of adoption, shall notify the Department within three months from the effective date, by an approved compliance schedule filed, of his intent to discontinue any operations or activities which cause any emissions that result in an emission in violation of these regulations or to control such emission to the extent required by these regulations, or that the emission is in compliance. Within a period of eighteen months from the effective date, compliance shall be obtained at all sources of emission within the scope of this regulation.

(50.1.2)
(12.0)

REGULATION IX

CONTROL OF VISIBLE EMISSIONS FROM MOBILE SOURCES

(1.0) Section I - Definitions

Air Contaminants

Any smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, mists, aerosols, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other materials in the outdoor atmosphere.

Diesel Powered Motor Vehicle

A self propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine.

Gasoline Powered Motor Vehicle

A self propelled vehicle designed primarily for transporting persons or property which is propelled by a thermal ignition type of internal combustion engine, using gasoline as the fuel.

Motor Vehicle

All vehicles propelled other than by muscular power except such vehicles as run only on rails or tracks.

Opacity

The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as a percentage to which the light is obstructed.

Person

Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of Federal, State, or local government or other entity recognized by law as a subject of rights and duties.

(12.0) Section II - Standard of Emissions

A. No person shall permit, cause, suffer, or allow the discharge into the atmosphere of a visible emission of air contaminants except uncombined water from a gasoline powered motor vehicle at any time, except for three (3) consecutive seconds after starting the engine.

B. No person shall permit, cause, suffer or allow the discharge into the atmosphere of a visible emission of air contaminants except uncombined water from a diesel powered motor vehicle at any time, except for three (3) consecutive seconds after starting the engine, except as otherwise provided in Section II, Part C of this Regulation.

C. No person shall permit, cause, suffer, or allow the discharge into the atmosphere of a visible emission of air contaminants except uncombined water from a diesel powered motor vehicle except for a period of less than five (5) consecutive seconds while in motion.

D. No person shall permit, cause, suffer or allow the discharge into the atmosphere of a visible emission of air contaminants except uncombined water in excess of 20 percent opacity from a motor vehicle at any time.

E. Persons certified by the Department may make observations to determine compliance with Section II, Part D of this Regulation without direct reference to standards.

(2.0) Section III - Circumvention

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

(2.0) Section IV - Severability

The provisions of these regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provision, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

(2.0) Section V - Effective Date

Except as otherwise provided, this regulation shall become effective upon adoption.

(10.0) REGULATION X

COMPLEX SOURCE REVIEW

(1.0) Section I - Definitions

Complex Source

A facility, building, structure or installation, or combination thereof, that has or leads to secondary or adjunctive activity which emits or may emit a pollutant for which there is a national ambient air quality standard. These sources include, but are not limited to:

(1) Shopping Centers;

(2) Sports complexes;

(3) Drive-in theaters;

(4) Parking lots and garages;

(5) Residential, commercial, industrial, and institutional developments;

(6) Amusement parks and recreational areas;

(7) Highway and transportation facilities;

(8) Sewer, water, power, and gaslines, and

(9) Other such facilities which will result in increased emissions from motor vehicles or stationary sources.

National Ambient Air Quality Standards

Those primary and secondary ambient air quality standards which are promulgated by the Administrator of the United States Environmental Protection Agency.

Person

Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state, or local government or other entity recognized by law as a subject of rights and duties.

Philadelphia CBD

The area within the City of Philadelphia bounded by but not including, Vine Street, South Street, the Schuylkill River, and the Delaware River.

(2.0) Section II - General Provisions

A. No person shall construct, reconstruct, alter or install any complex source, except as provided in Section II B. before obtaining written approval from the Department for such construction, reconstruction, alteration or installation.

B. The requirements of Section II A. shall not apply to the following complex sources:

(1) Commercial or industrial facilities with gross leasable area or floor space less than 500,000 square feet;

(2) New or modified parking facilities within the Philadelphia CBD with total capacity of less than 250 motor vehicles and new or modified parking facilities outside of the CBD with total capacity of less than 500 motor vehicles;

(3) Facilities of less than one hundred (100) dwelling units or groups of facilities of less than one hundred dwelling units;

(4) Such other complex sources as the Department determines to have negligible air quality impact.

C. Nothing contained in this Section shall be taken to excuse or relieve any person from complying with any applicable provision of the Air Management Code or any regulation adopted thereunder.

(2.0) Section III - Air Quality Impact Review

A. Request for Approval

Request for approval to construct, reconstruct, alter or install any complex source shall be made to the Department by the person responsible for such source and shall include submission of an air quality impact statement sufficiently detailed to show all actual and potential impacts on the existing air quality resulting directly, or indirectly, from the facility at the site, and in the area, neighborhood and region.

B. Review Procedures

(1) The Department shall establish procedures and guidelines for use in the preparation, submission and review of air quality impact statements and shall prescribe the information to be supplied in order to determine the effect of the complex source on air quality.

(2) Information to be given in the statement shall include, but not be limited to, the following:

(a) Location and general description of the proposed facility or project.

(b) Information on the nature, design, construction and operation of the facility.

(c) Information on the transportation related aspects of the project including mass transit, traffic patterns and parking facilities.

(d) The nature and amounts of air contaminants to be emitted directly from the facility or emitted by associated mobile sources.

Any additional information, evidence or documentation that the Department may require shall be furnished upon request.

(3) The Department shall make available for public inspection information submitted by the person responsible for the proposed project or facility, as well as the Department's analysis of the effect on air quality and proposed approval or disapproval, and provide a period of at least thirty (30) days after prominent advertisement for the submittal of public comment.

C. Conditions of Approval

(1) Approval to construct, reconstruct, alter or install any complex source shall be granted only upon demonstration to the satisfaction of the Department that such source will not violate any provision of the Air Management Code or Regulations of the Air Pollution Control Board or prevent or interfere with the attainment or maintenance of any national ambient air quality standard in the neighborhood, area or region.

(2) Such approval shall not exempt any person from prosecution for violation of the Air Management Code, Regulations of the Air

Pollution Control Board or any applicable laws of the Commonwealth of Pennsylvania or the United States Government.

(2.0) Section IV - Severability

The provisions of these Regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

(2.0) Section V - Effective Date

Except as otherwise provided, this Regulation shall become effective upon adoption.

(51.9)

REGULATION XI

CONTROL OF EMISSIONS FROM INCINERATORS

(1.0) Section I - Definitions

Batch Incineration

A batch incineration is one in which refuse is charged, burned, and residue removed in sequence prior to re-charging of any additional refuse to the incinerator.

Continuous Incineration

A continuous incineration operation is one in which the charging of refuse and burning shall occur simultaneously and continuously, and removal of residue may occur simultaneously and continuously.

Department

The Department of Public Health of the City of Philadelphia or any duly authorized representative thereof.

Flyash

Particulate matter capable of being gasborne or airborne and consisting essentially of fused ash and/or burned or unburned material.

Garbage

Animal and vegetable material or direct derivatives of animal or vegetable material waste matter.

Incinerator

All devices intended or used for the destruction of rubbish, garbage, debris, scrap, human and animal remains, other refuse, or other combustible materials by means of burning of extraneous materials.

Odor

Smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or create symptoms of nausea, or which by their inherent chemical or physical nature, or method or processing, are or may be detrimental or dangerous to health. Odors and smell are used herein interchangeably.

Multiple Chambers

Two or more areas or sections in an incinerator of which one is for the primary combustion of refuse and another for secondary combustion of materials from the primary combustion chamber.

Opacity

The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as a percentage to which the light is obstructed.

Particulate Matter

Any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

Person

Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state or local government or other entity recognized by law as a subject of rights and duties.

Standard Conditions

A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

Standard Cubic Foot

A cubic foot of gas at standard conditions.

Type 0 Waste

A mixture of highly combustible waste such as paper, cartons, or scrap wood containing approximately ten (10) percent or less moisture, and five (5) percent or less incombustible solids. The heating value of Type 0 Waste is approximately 8500 BTU per pound of waste as fired.

Type 1 Waste

A mixture of combustible waste such as paper, cartons, or scrap wood containing approximately ten (10) to twenty five (25) percent moisture, and ten (10) percent or less incombustible solids. The heating value of Type 1 Waste is approximately 6500 BTU per pound of waste as fired.

Type 2 Waste

A mixture of approximately equal amounts, by weight, of rubbish and garbage containing approximately fifty (50) percent or less moisture and approximately seven (7) percent or less incombustible solids. The heating value of Type 2 Waste is approximately 4300 BTU per pound waste as fired.

Type 3 Waste

Garbage wastes containing approximately seventy (70) percent or less moisture and approximately five (5) percent or less incombustible solids. The heating value of Type 3 Waste is approximately 2500 BTU per pound waste as fired.

Type 4 Waste

Human and animal remains consisting of carcasses, organs, other body parts and solid organic wastes containing approximately eighty-five (85) percent or less moisture and five (5) percent or less of incombustible solids. The heating value of Type 4 Waste is approximately 1000 BTU per pound waste as fired.

Type 5 Waste

Liquid or semi-liquid by-product combustible waste such as tar, paint, solvents and other similar materials from industrial operations.

Type 6 Waste

Solid by-product combustible waste such as rubber, plastics, wood, and other materials from industrial operations. The heating value of Type 6 Waste is greater than 9500 BTU per pound of waste as fired.

(2.0) Section II - General Provisions

A. No person shall permit, cause, suffer or allow the installation, or operation of any incinerator on or after the date of adoption of this Regulation which has a burning rate of less than 10,000 pounds per hour, and is intended to, or does incinerate Types 0, 1 or 2 wastes, except as a replacement of similar capacity to an existing, operating incinerator at the same location.

B. All incinerators shall be equipped with multiple chambers, an auxiliary heat source, and suitable controls, as required by the Department.

C. All incinerators installed prior to the date of adoption of this Regulation, having a burning rate exceeding 10,000 pounds per hour, shall be in compliance with this Regulation by May 19, 1974.

(50.0) Section III - Emission Limitations

A. Particulate Matter

(1) No person shall permit, cause, suffer, or allow the discharge into the atmosphere of particulate matter from any incinerator installed after the date of adoption of this Regulation in excess of 0.08 grains per standard cubic foot of flue gas on a dry basis adjusted to 12% carbon dioxide (CO_2) as measured by stack testing methods approved by the Department.

(2) No person shall permit, cause, suffer, or allow the discharge into the atmosphere of particulate matter from any incinerator installed prior to the date or adoption of this Regulation in excess of 0.10 grains per standard cubic foot of flue gas on a dry basis adjusted to 12% carbon dioxide (CO_2) as measured by stack testing methods approved by the Department.

B. Visible Emissions

(1) No person shall permit, cause, suffer or allow the discharge into the atmosphere from any incinerator any visible emission except uncombined water for a period of more than thirty (30) consecutive seconds in any one hour or an aggregate of more than three (3) minutes in any calendar day which is equal to or greater than twenty (20) percent opacity, or for any period which is equal to or greater than sixty (60) percent opacity.

(2) No person shall permit, cause, suffer or allow the discharge from any incinerator of any visible flyash into the atmosphere.

(3) Trained employees certified by the Department may make observations to determine compliance with the above provision without direct reference to standards.

(2.0) Section IV - Operation

No person shall permit, cause, suffer or allow the operation of an incinerator unless:

A. It has been properly installed and well maintained, and

B: All structural components and control equipment are properly installed and well maintained, and

C. All control equipment is in full operation, and

D. It is incinerating only those types of waste and not more than the maximum quantity of waste for which it is designed, and

E. It is being operated by a person instructed in the proper operation of the incinerator, and

F. A current operating license has been obtained.

(3.0) Section V - Permits and Licenses

A. Installation Permit

An Air Pollution Control Installation Permit shall be obtained prior to the installation, conversion, or alteration of any incinerator. Application for this Permit shall be made on forms provided by the Department. Detailed plans and specifications shall be included with the application form and shall include but not be limited to the following information:

(1) The estimated daily amount and type of refuse to be incinerated, the basis for this estimate, and the design capacity of the incinerator.

(2) Engineering drawings of the incinerator, the stack, and the charging chute, and air pollution control equipment, if any. The locations of overfire and underfire air inlets shall be shown in the drawings.

(3) The location and height of the building housing the incinerator and of immediately surrounding buildings.

(4) The location and details of the combustion air inlets to the incinerator room or area, the burners and other incinerator equipment.

(5) The location of and details of all air pollution control equipment.

(6) The list of operating and maintenance procedures recommended by the manufacturer of the incinerator, including a statement indicating batch or continuous incinerator operation.

B. License to Operate

(1) The application for a license to operate an incinerator shall be filed at least two weeks in advance of the date of initial operation. Prior to the operation of the installation, the Department

shall approve or disapprove the application, or notify the applicant that the installation is incomplete with approval withheld pending completion or that a period of demonstration or test operation is required before approval may be granted.

(2) Prior to issuance of this license to operate, the Department shall require from the owner of the incinerator a written statement that the operator of the unit has been properly instructed in the operation and maintenance of the incinerator.

(2.0) Section VI - Circumvention

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

(2.0) Section VII - Severability

The provisions of these regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

(2.0) Section VIII - Effective Date

Except as otherwise provided, this Regulation shall become effective upon adoption.

ALLEGHENY COUNTY HEALTH DEPARTMENT

Rules and Regulations

ARTICLE XVIII

AIR POLLUTION CONTROL

(1.0) 1800 DEFINITIONS

For the purpose of this Article, whenever any of the following words or terms are used herein or in any action proceeding from the application of this Article, they shall have the meaning stated hereinafter unless the context clearly indicates otherwise.

Advisory Committee

The Allegheny County Air Pollution Control Advisory Committee as established in Section 1806 of this Article.

Air Contaminant

Any smoke, dust, dirt, noxious or obnoxious acid, fume, oxide, gas, vapor waste, toxic waste, particulate, pollen, radioactive solid, liquid or gaseous matter, odor-producing matter, or any other materials in the open air, but excluding uncombined water.

Air Pollution

The presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration which may be expected to be injurious to human, plant, or animal life, or to property, or which interferes with the comfortable enjoyment of life and property throughout the County or throughout such areas of the County as shall be affected thereby.

Air Pollution Control Device

Any chemical, article, machine, equipment, or other contrivance, the use of which may eliminate or reduce the emission of air contaminants into the open air.

Air Pollution Variance Board

The board established under the provisions of Section 1814 of this Article.

Ambient Air

That portion of the atmosphere external to buildings to which the general public has access.

Ambient Air Quality Standards

Ambient air quality standards as set forth in this Article.

Article

Article XVIII of the Rules and Regulations of the Allegheny County Health Department.

Authorized Representative

An individual, firm, or corporation, designated by "person" as defined herein, who has authority to act on behalf of such persons in all matters pertaining to the Bureau of Air Pollution Control.

Best Obtainable Technology

Equipment, devices, systems, methods, or techniques which will prevent, reduce, or control emissions of air contaminants to the maximum degree possible and which are obtainable even if such equipment, devices, methods, or techniques are not in routine or actual use somewhere.

Board of County Commissioners

The Allegheny County Board of Commissioners.

Board of Health

The Allegheny County Board of Health.

Board

The Air Pollution Variance Board.

Bureau

Bureau of Air Pollution Control, Allegheny County Health Department.

Clean Air Act

42 U.S.C. 1857 *et seq*. as amended by the Air Quality Act of 1967, P.L. 90-148 and by the Clean Air Act Amendments of 1970, P.L. 91-604 and the Rules and Regulations promulgated thereunder.

Committee

The Allegheny County Air Pollution Control Advisory Committee.

Condensed Fumes

The resulting collection in liquid or solid form, of matter emitted in vapor, gaseous, or particulate form, such matter resulting from sublimation, distillation, calcination, combustion, or other chemical or physical reaction.

County

The Couty of Allegheny.

Department

The Allegheny County Health Department.

Director

The Director of the Allegheny County Health Department or his or her designated representative.

Domestic Heating Plant

A plant generating heat for a single family residence, or for multiple-dwelling units in which such plant serves fewer than three dwelling units. Under this designation are: hot water heaters, stoves, and space heaters used in connection with the foregoing establishments or to heat temporary buildings such as those used by railroad and construction industries. Similar equipment, used in multiple-dwelling units other than herein described or in permanent buildings of commercial or industrial establishments, is not included under this designation.

Domestic Refuse-Burning Equipment

Any refuse-burning equipment or incinerator used for a single family residence, or for multiple-dwelling units.

Dust

Particulate matter air-borne or capable of becoming air-borne.

Episode Stage

One of the four degrees of severity of an air pollution episode, defined by the appropriate criteria to be either Watch, First Stage Alert, Second Stage Alert, or Emergency Stage.

Emissions

Air contaminants emitted into the open air.

Equivalent Opacity

The opacity which obscures vision to a degree equal to smoke of an equivalent Ringelmann number.

Flue

Any duct, pipe, stack, chimney, or conduit permitting air contaminants to be emitted into the open air. In order to be classified as a flue, such duct, pipe, stack, chimney, or conduit must be of such a nature as to permit the performance of the test methods and procedures specifically provided for in this Article.

Flue Gases

All gases which leave a combustion chamber by way of a flue, including gaseous products of combustion, water vapor, excess oxygen, and nitrogen.

Forecast

A prediction of weather conditions received from either a professional Health Department meteorologist, a professional meteorological consultant to the Health Department, or a weather prediction from the United States National Weather Service.

Fuel-Burning or Combustion Equipment

Any furnace, boiler apparatus, stack, and all appurtenances thereto, used in the burning of fuel for the primary purpose of producing heat or power by indirect heat transfer, or producing power by direct momentum transfer.

Fuel

Any form of combustible matter, whether solid, liquid, vapor, or gas, or combination thereof, primarily for, intended for, or used as a source of heat.

Fugitive Air Contaminants

Any air contaminant emitted into the open air from other than a flue.

Incinerator

A device primarily used for the destruction of solid, liquid, or gaseous wastes, or combination thereof, by burning, but not primarily combustion or fuel-burning equipment or process equipment.

Index

Any one of the air quality averages to be computed in conjunction with the Air Pollution Emergency Episode System. Four-, eight-, twelve-, and twenty-four hour averages refer to running arithmetic means of the hourly averages of the respective pollutants. The product index of the soiling index and sulfur dioxide concentration is to be computed by multiplying the running 12-hour or 24-hour soiling index by the respective running 12-hour or 24-hour sulfur dioxide concentration.

Modification

Any physical change in a source or any change in the method of operation of a source which will, or might reasonably be expected to, change the amount, effect, or characteristic of any air contaminant emitted by such source, or which would result in the emission of any air contaminant not previously emitted. Routine maintenance, repair, and replacement shall not be considered physical changes.

Multiple-Chamber Incinerator

Any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion chambers in series, which chambers are physically separated by refractory walls and interconnected by gas passage ports or ducts, and are of design employing parameters necessary for maximum combustion of the material to be burned.

Odorous Matter

Air contaminants perceptible by the sense of smell.

Opacity

The degree to which emissions of air contaminants reduce the transmission of light or obscure the view of an object in the background.

Open Air

All spaces outside of buildings, flues, chimneys, stacks, or exterior ducts or vents, or any area to which air contaminants pass beyond control.

Open Burning

Any burning or combustion from which air contaminants are emitted directly into the open air and not directed thereinto by a flue.

Particulate Matter

Any material, except uncombined water, that is, or has been, air or gas-borne and exists as a solid or liquid at 70°F and 14.7 pounds per square inch absolute pressure.

Part Per Million (ppm)

A unit of pollutant concentration defined as one volume of gaseous pollutant per million volumes of gas.

Person

Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of Federal, State, or Local Government, or other entity recognized by law as the subject of rights and duties.

Potential Emission

The quantity of air contaminants which may be emitted into the atmosphere from an air contaminant source operated at its maximum rated capacity without the use of any gas cleaning device. The potential emission may be determined by sampling at the inlet of the air pollution control device or by estimating the weight of emissions using estimating techniques approved by the Director.

Process

Any operation or series of operations, including all equipment, devices, or contrivances, and all appurtenances thereto, including all ducts, stacks, etc. for transforming materials into any product of manufacture, and which may cause any discharge of air contaminants into the open air, but not including that equipment specifically defined as fuel-burning or combustion equipment or incinerator. Similar or parallel operations within a process shall be considered as a single operation except where such aggregation would result in a greater allowable air contaminant emission rate.

Process Equipment

Any machine, device, system, or contrivance, used in any process, the use of which may cause or contribute to any discharge into the open air of any air contaminant, but not including fuel-burning or combustion equipment or incinerator.

Rated Capacity

The operating limit of a source as stated by the manufacturer or as determined by good engineering judgment.

Reactivation

The activation of a source or potential source of air contaminants which has been out of production or operation for at least one year.

Reconstruction

Any material change or alteration of any existing fuel-burning or combustion equipment, or process equipment, or device, from that physical or operating condition for which approval was last obtained; or the addition, removal, or replacement of any appurtenances or devices, which materially affects the method or efficiency of preventing the discharge of air contaminants into the open air.

Rendering

A heated process, such as reduction, cooking, drying, dehydrating, digesting, evaporating, and protein processing.

Refuse

Garbage, rubbish, trade waste, or other waste.

Refuse-Burning Equipment

A device specifically designated for the combustion of refuse material. An incinerator.

Ringelmann Scale

A scale by which the relative density of emissions of gray shade may be compared, consisting of five steps, wherein 0 is equivalent to all white and 5 is equivalent to all black; the steps range from 0 percent for no perceptible shade to one hundred (100) percent for black.

Ringelmann Chart

A scale measurement system of grading the relative density of emissions of gray shade by comparison with certain charts as described in the Bureau of Mines Information Circular 8333.

Soiling Index

The darkness of a stain on a standard filter paper caused by pulling a sample of air through the filter paper, measured by the reduction in the transmission of visible light through the stained paper, and expressed as the coefficient of haze (COH).

Source

Any thing which emits or may emit an air contaminant, to which the provisions of this Article are applicable.

A New Source is any source the construction of which was commenced after the effective date of this Article, or any source that, although its construction was commenced or completed before the effective date of this Article, is modified after the effective date of this Article in a manner which results in a substantial increase in the emission of air contaminants or results in the emission of any air contaminant not previously emitted.

An Existing Source is any source other than a new source.

A Stationary Source is a source which does not move from place to place in its day-to-day operation.

Similar Sources are sources producing the same generic product or sources used for the same operation or on the same generic material.

A Potential Source is any source which would emit air contaminants if uncontrolled.

Standard Conditions

A temperature of 70°F and a pressure of 14.7 pounds per square inch absolute.

Trade Waste

Any waste resulting from the operation of any business, trade, or industry, including but not limited to plastics, cartons, paints, grease, oil and other petroleum products, chemicals, cinders, and any other form of solid, liquid, or gaseous waste materials.

Visible Emissions

Emissions of air contaminants of such quantity or quality as to be seen in contrast with any background.

Volatile Organic Compound

Any compound containing carbon in combination with any other element, excepting carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate, and which compound has a vapor pressure of 1.5 pounds per square inch absolute or more, under actual storage or operating conditions.

(2.0) 1801 PURPOSE

The purpose of this Article is to achieve and maintain the purity of the air resources of Allegheny County consistent with the health, welfare, and comfort of the residents of the County and the protection of their property, and to that end to require the use of all obtainable methods of preventing and controlling air pollution in the County.

The provisions of this Article shall apply in all areas of Allegheny County unless otherwise specifically stated herein.

(2.0) 1802 PROHIBITION OF AIR POLLUTION

No person shall cause, suffer, or allow the release of air contaminants into the open air to cause air pollution as defined in this Article, except as provided by this Article.

(6.0) 1803 COMPLIANCE RESPONSIBILITIES

Compliance with any provision of this Article shall not relieve any person of the responsibility to comply with any other provision of this Article, except when such relief has been clearly provided for in this Article.

(2.0) 1804 CIRCUMVENTION

No person shall cause, suffer, or allow the use of any device or technique, including but not limited to the masking of odors, the operation of any source with unnecessary amounts of air, and the combining of separate sources except as specifically provided for in this Article, which without resulting in reduction of the absolute amount of air contaminants emitted conceals or dilutes an emission of air contaminants which would otherwise be in violation of the provisions of this Article.

(15.0) 1805 EXISTING ORDERS

All orders heretofore issued shall continue in full force and effect, but in no event shall such orders relieve any person from compliance with this Article.

(2.0) 1806 ADMINISTRATION AND ORGANIZATION

The provisions of these Rules and Regulations shall be administered and enforced by the Allegheny County Health Department, Bureau of Air Pollution Control, and by the Director of the Allegheny County Health Department pursuant to

.1 Amendments

Amendments to these Rules and Regulations shall be made in conformity with the Local Health Administration Law, 1951, Aug. 24, P.L. 1304, and the Second Class County Code, 1953, July 28, P.L. 723.

Public hearings shall be conducted by the Board of Health prior to its consideration of any significant amendment or additions to this Article.

.2 Air Pollution Control Advisory Committee

There shall be established an Air Pollution Control Advisory Committee which may recommend to the Board of Health additions and changes in this Article and advise the Bureau of Air Pollution Control and the Board of Health on matters relative to the control of air pollution which are brought to its attention by any person.

A. The Air Pollution Control Advisory Committee shall consist of fifteen (15) individuals appointed by the Board of County Commissioners.

B. All members of the Advisory Committee shall be appointed for a term of one (1) year.

C. The Director and the Bureau Chief shall be ex-officio members of the Committee but shall not have the right to vote on matters before the Committee.

D. At no time shall the Advisory Committee consist of more than five (5) members who are representatives of industry.

E. The Advisory Committee shall elect one of its members to serve as Chairman.

F. The Advisory Committee shall meet at the call of the Chairman or at the request of the Director of the Allegheny County Health Department, the Board of Health, or upon the written request of any three (3) members of the Advisory Committee.

G. The Advisory Committee shall adopt such procedures as it deems necessary to conduct its business and shall adopt such provisions as are necessary in order to consider matters which are brought to its attention by any person or group.

H. A quorum shall be required to conduct the business of the Advisory Committee. A quorum shall consist of not less than ten (10) voting members of the Advisory Committee.

I. Only those individuals who have been appointed to the Advisory Committee shall be permitted to vote on those matters which are to be recommended to the Board of Health.

J. The Advisory Committee shall make periodic reports to the Board of Health on the status of air pollution control technology including developments in the control of automotive emissions, air contaminants for which national ambient air quality standards have been established, hazardous air contaminants and other sources of air pollution as it deems necessary or as requested by the Board of Health or the Director.

.3 Right to Information

A. All records, reports, and information of the Allegheny County Health Department which pertain to the issuance of compliance orders, the granting or rejecting of permits or variances, the reporting of shutdowns or breakdowns, and the determination of emission rates or air quality data shall be open to inspection by any person except that any record, report, or information, or part thereof, which would divulge methods or processes protected as trade secrets under the laws of the United States shall be kept confidential and may not be disclosed to persons other than officers, employees, and authorized representatives of Allegheny County or to the Courts of the Commonwealth of Pennsylvania or the United States in proper proceedings.

B. The Director may make rules and regulations regarding the time and manner of inspection.

C. The Director may refuse such inspections which create an undue burden or interfere with the administration of the Health Department, or when it appears the information sought is to be used for commercial purposes, or when the information sought is prepared in anticipation of litigation or will be used in litigation in which the County is a party.

.4 Periodic Reports

The Allegheny County Health Department shall publish an annual air quality report detailing the progress of the County toward the attainment and maintenance of ambient air quality standards.

(2.0) 1807 COMPLIANCE ORDERS

.1 Whenever the Director finds that:

(1) A source is not in compliance with any of the provisions of this Article, or

(2) In any area of Allegheny County, a source or sources are causing concentrations of air contaminants in the ambient air to exceed any ambient air quality standard, or

(3) As a result of any physical, chemical, or biological test, or otherwise, it appears that an emission of air contaminants shall or may be endangering public health, safety, or welfare;

the Director may:

(1) Order the person responsible for the source or sources to comply with the provisions of this Article, or

(2) Establish an additional or more restrictive emission standard or standard of performance designed reasonably to attain all ambient standards, by

performing any necessary acts, including, but not limited to, the installation or maintenance of best obtainable or best available air pollution control devices, the use of particular fuels, the modification of process or fuel-burning or combustion equipment or incinerators, the institution of particular control practices, or

(3) Seal any source or part thereof.

.2 Whenever the Director issues an order hereunder, the order shall:

(1) Be in written form

(2) Include a statement of the basis for such order

(3) Specify a reasonable time for performance of any acts required in the order

(4) Inform the person responsible that he has the right to a hearing in accordance with Article XI of the Rules and Regulations of the Allegheny County Health Department.

.3 The order shall be served upon the person responsible by:

(1) Handing a copy to him personally, or

(2) By serving him in the manner provided by Rule 1009(b)(2) of the Pennsylvania Rules of Civil Procedure for the service of a complaint, or where service cannot be accomplished in this matter, by

(3) Sending a copy to his last known address by registered or certified mail, accompanied by a request for a return receipt.

.4 Failure to comply with an order of the Director within the time specified therein, or the breaking of a seal placed by the Director, shall be a violation of this Article.

.5 Whenever the Director determines that an emergency exists that necessitates immediate action to protect the health, safety, or welfare of the public, the Director, without prior notice, may issue an order reciting the existence of the emergency and requiring whatever action the Director deems advisable to meet the emergency. Notwithstanding other provisions of this Article, the emergency order shall be effective at once and shall be complied with immediately.

.6 Any person who is aggrieved by an order of the Director, shall upon requests, be granted a hearing in accordance with the provisions of Article XI of the Rules and Regulations of the Allegheny County Health Department or in accordance with other procedures as may be hereinafter established by the Board of County Commissioners. In all cases involving provisions of this Article, administrative hearings granted under the provisions of Article XI shall not be held before employees of the Department of Health assigned to the Bureau of Air Pollution Control.

.7 The provisions of this Section shall not apply to appeals from decisions of the Variance Board.

(16.0) 1808 INSPECTION

.1 A. The Director may enter any premise at a reasonable time and in a reasonable manner, by consent of the person in charge or his authorized representative, where the Director has reason to believe that air contaminants have been or are being emitted, or where equipment, operations, or processes exist or are being constructed giving the Director reason to believe that they are or will be actual or potential air contaminant sources, or for which equipment, operations, or processes the required permit or permits have not been obtained.

B. The Director may inspect the above described premises and all devices, contrivances, processes, or operations thereon; and the records, charts, readings, and data associated with such processes or operations thereon relevant to the emission of air contaminants.

.2 No person shall in any manner hinder, obstruct, delay, resist, prevent, or in any way interfere or attempt to interfere with the Director in the performance of any duty herein enjoined, or after proper identification, refuse him entrance to any premise, building, or other place, except a building designed for and used exclusively as a private residence.

(50.0) 1809 EMISSION STANDARDS

The following emission standards are applicable to all sources of air contaminants now existing or which come into existence after the effective date of this Article.

(50.1.2) .1 Visible Air Contaminants

A. No person shall cause, suffer, or allow the emission into the open air of visible air contaminants in such a manner that the opacity of the emission is:

(1) Equal to or greater than No. 1 on the Ringelmann Scale or an equivalent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour, or

(2) Equal to or greater than No. 3 on the Ringelmann Scale or an equivalent opacity at any time.

B. The standards of Subsection .1A, shall not apply to any visible air contaminants when:

(1) The presence of uncombined water is the only reason for failure of the emission to meet the visible air contaminants standards, or

(2) Visible emissions result from a blast furnace slip, as provided in Section 1810.5, or

(3) Visible emissions result solely from the operation of a coke oven or battery of coke ovens as provided in Section 1809.7, or

(4) Visible emissions result solely from fugitive emissions excepted from the provisions of Section 1809.2, or

(5) Visible emissions result from the operation of an incinerator, as provided in Section 1809.5, or

(6) Visible emissions result solely from the cold start of fuel-burning or combustion equipment and when notice has been given as provided in Section 1816.

C. The opacity of visible air contaminants may be measured using:

(1) Any device approved by the Director, or

(2) Observers trained and qualified to measure opacity with the naked eye or with the aid of any device approved by the Director.

In measuring the opacity of visible air contaminants for the purpose of determining a violation of Subsection .1A., opacity may be measured at the densest point of an emission.

(50.1.3) .2 Fugitive Emissions

No person shall cause, suffer, or allow the emission into the open air of any fugitive air contaminant from any source except from:

(1) Construction or demolition of buildings or structures.

(2) Grading, paving, and maintenance of roads and streets.

(3) Use of roads and streets. Emissions from material in or on trucks, railroad cars, and other vehicular equipment shall not be considered as emissions from use of roads and streets.

(4) Clearing of land.

(5) Tilling or applying amendments to the soil, preparing cover crops for incorporation into the soil and harvesting, while farming.

(6) Stockpiling of materials.

(51.5)
(51.6) .3 Fuel-Burning or Combustion Equipment

For the purpose of this Subsection only, if more than one fuel-burning or combustion sources are connected to a common flue discharging into the open air, such groups of sources shall be considered as one source, and the allowable emissions shall be determined on the basis of the total heat input.

A. Particulate Matter

No person shall cause, suffer, or allow the emission into the open air of particulate matter at any time from any fuel-burning or combustion equipment in excess of:

(1) The rate of 0.4 lb. per million BTU of heat input, when the heat input to the fuel-burning or combustion equipment in millions of BTUs per hour is greater than 0.2 but less than 50, or

(2) The rate determined by the formula:

$$A = 3.5E^{-0.56}$$

where:

A = allowable emission in lb. per million BTU of heat input, and

E = heat input to the fuel-burning or combustion equipment in millions of BTUs per hour, when E is equal to or greater than 50 but less than 850, or

(3) The rate of 0.08 lb. per million BTU of heat input, when the heat input to the fuel-burning or combustion equipment in millions of BTUs per hour is equal to or greater than 850.

B. Sulfur Oxides

No person shall cause, suffer, or allow the emission into the open air of sulfur oxides, expressed as SO_2, from any fuel-burning or combustion equipment at any time in excess of:

(1) The rate of 1.0 lb. per million BTU of heat input, when the heat input to the fuel-burning or combustion unit in millions of BTUs per hour is greater than 0.2 but less than 50, or

(2) The rate determined by the formula:

$$A = 1.7E^{-0.14}$$

where:

A = allowable emission in lb. per million BTU of heat input, and

E = heat input to the fuel-burning or combustion equipment in millions of BTUs per hour, when E is equal to or greater than 50 but less than 2,000, or

(3) The rate of 0.6 lb. per million BTU of heat input, when the heat input to the fuel-burning or combustion equipment in millions of BTUs per hour is equal to or greater than 2,000.

(51.0) .4 Processes

This Subsection shall apply to all processes except fuel-burning or combustion equipment and incinerators.

A. No person shall cause, suffer, or allow the emission into the open air of particulate matter from any process listed in Table I, at any time, in excess of the rate determined by the following formula:

$$A = 0.76E^{+0.42}$$

where:

A = allowable emissions in lbs./hr., and

E = emission index = F x W lbs./hr.,

where:

F = process factor in lbs./unit, and

W = production or charging rate in units/hr.

The factor F shall be obtained from Table I. The units for F and W shall be compatible.

B. No person shall cause, suffer, or allow the emission into the open air from any process not listed in Table I, in excess of seven (7) pounds of particulate air contaminant in any one-hour period or in excess of a total of one hundred (100) pounds of particulate air contaminants in any 24-hour period, except that no person shall be required to reduce such emission into the open air to a greater degree than ninety-nine (99) percent.

TABLE I

	Process	Process Factor, F
1.	Carbon black mfg.	500 lbs./ton of product
2.	Charcoal mfg.	400 lbs./ton of product
3.	Crushing or grinding or screening system	20 lbs./ton of feed
4.	Paint mfg.	0.05 lbs./ton of pigment handled
5.	Phosphoric acid mfg.	6 lbs./ton of phosphorous burned
6.	Detergent drying	30 lbs./ton of product
7.	Ammonium nitrate mfg:	
	Prilling tower or other granulator	0.1 lbs./ton of product
8.	Ferroalloy production furnace	0.3 lbs./ton of product
9.	Primary iron and/or steel making:	
	Iron production	100 lbs./ton of product
	Sintering: windbox	20 lbs./ton of dry solids feed
	Steel production	40 lbs./ton of product
	Scarfing	20 lbs./ton of product
10.	Primary lead production:	
	Roasting	0.004 lbs./ton of ore feed
	Sintering: windbox	0.2 lbs./ton of product
	Lead reduction	0.5 lbs./ton of product
11.	Primary zinc production:	
	Roasting	3 lbs./ton of ore feed
	Sintering: windbox	2 lbs./ton of sinter
	Zinc reduction	10 lbs./ton of product
12.	Secondary aluminum production:	
	Sweating	50 lbs./ton of aluminum product
	Melting and refining	10 lbs./ton of aluminum feed
13.	Brass and bronze production:	
	Melting and refining	20 lbs./ton of product
14.	Iron Foundry:	
	Melting:	
	Cupola	50 lbs./ton of iron
	Reverberatory Furnace	2 lbs./ton of iron
	Electric Induction Furnace	1.5 lbs./ton of iron
	Shake-out	20 lbs./ton of sand
	Sand Handling	20 lbs./ton of sand
15.	Secondary lead melting	0.5 lbs./ton of product
16.	Secondary magnesium melting	0.2 lbs./ton of product
17.	Secondary zinc melting:	
	Sweating	0.01 lbs./ton of product
	Refining	0.3 lbs./ton of product

	Process	Process Factor, F
18.	Asphaltic concrete production	6 lbs./ton of aggregate feed
19.	Asphalt roofing mfg:	
	Felt saturation	0.6 lbs./ton of asphalt used
20.	Portland cement mfg:	
	Clinker production	150 lbs./ton of dry solids feed
	Clinker cooling	50 lbs./ton of product
21.	Coal drying	2 lbs./ton of product
22.	Coal dry-cleaning	2 lbs./ton of product
23.	Lime calcining	200 lbs./ton of product

(51.9) .5 Incinerators

A. No person shall cause, suffer, or allow the operation of a single chamber incinerator, except sewage sludge incinerators complying with the provisions of this Article.

B. No person shall cause, suffer, or allow the operation or installation of any incinerator without having obtained a permit as provided for in Section 1815.

C. No person shall cause, suffer, or allow the operation of any domestic refuse-burning equipment at any time other than between the hours of 10:00 A.M. and 4:00 P.M. This restriction shall not apply to incinerators having a rated capacity of five (5) tons per hour or more.

D. No person shall cause, suffer, or allow the emission to the open air of particulate matter from any incinerator at any time in such a manner that the particulate matter concentration in the effluent gas exceeds 0.125 pounds per 100 pounds per hour of rated capacity, except that for incinerators rated at four (4) tons per hour or greater the emission shall not exceed those shown on Table II.

TABLE II

Rated Capacity, Tons/Hour	Emission, Pounds/Hour
4	10
8	15
12	20
18	27
24	33
32	40
40	48

Apply linear interpolation between steps given.

E. For the purpose of Subsection .5, the rated capacity is defined as the amount of combustible material charged into the incinerator of which 95 percent will burn to gas.

F. All incinerators shall be constructed so that afterburning shall be for a residence time of 0.5 second at a temperature of:

(1) 1400° Fahrenheit for putrescible and non-chemical refuse.

(2) A minimum of 250° Fahrenheit above the auto-ignition temperature of any chemical refuse.

G. No person shall cause, suffer, or allow emission into the open air of visible air contaminants from incinerators in such a manner that the opacity of the emission is equal to or greater than No. 1 on the Ringelmann Scale or an equivalent opacity.

(50.2) .6 Sulfur Compound Emissions

A. General

Subsection 1809.6A. shall apply to all sources, except those subject to the provisions of other sections and subsections of this Article dealing with the control of sulfur compound emissions.

No person shall cause, suffer, or allow the emission into the open air of sulfur oxides from any source in such a manner that the concentration, at any time, of the sulfur oxides, expressed as SO_2, in the effluent gas exceeds 500 parts per million (dry basis).

B. By-product Coke-oven Gas

(1) No person shall cause, suffer, or allow the emission of by-product coke-oven gas into the open air unless such gas is first burned.

(2) No person shall cause, suffer, or allow the flaring, mixing, or combustion of by-product coke-oven gas containing hydrogen sulfide (H_2S), or the concentration of sulfur compounds measured as H_2S in the gas in excess of:

(1) 50 grains per hundred dry standard cubic feet for by-product coke plants producing 70 million standard cubic feet or more of coke-oven gas per day, or

(2) The rate determined by the formula:

$$A = 156E^{-0.27}$$

for plants producing 70 million standard cubic feet or less of coke-oven gas per day but 20 million standard cubic feet or more of coke-oven gas per day, where:

A = allowable H_2S content in grains per hundred dry standard cubic feet of coke-oven gas, and

E = millions of cubic feet of coke-oven gas produced per day, or

(3) 70 grains per hundred dry standard cubic feet of coke-oven gas for by-product coke plants producing less than 20 million standard cubic feet of coke-oven gas per day.

Included in the permitted grains of H_2S is tail-gas sulfer, expressed as equivalent H_2S, emitted into the open air from sulfur removal equipment.

(51.2) .7 Coke Ovens

A. No person shall cause, suffer, or allow the emission into the open air of visible air contaminants from the pushing and charging of a battery of coke ovens in such a manner that the opacity of the emissions is equal to or greater than No. 2 on the Ringelmann Scale or equivalent opacity.

B. No person shall cause, suffer, or allow the emission into the open air of visible air contaminants from the pushing and charging of a battery of coke ovens after January 1, 1974 in such a manner that the opacity of the emissions is equal to or greater than No. 1 on the Ringelmann Scale or equivalent opacity.

C. No person shall cause, suffer, or allow the emission of any visible air contaminants into the open air from any opening on the top side of a battery of coke ovens, except for periods when a battery of coke ovens is being charged.

D. No person shall cause, suffer, or allow any visible emission, except non-smoking flame, from any opening from more than ten (10) percent of the coke ovens in any battery at any time except as provided in the preceding paragraph.

E. Self-sealing oven doors found to be leaking thirty (30) minutes or more after an oven is charged shall be adjusted, repaired, or replaced prior to the next coking cycle which starts during the daylight turn after the leak is discovered. Leaking luted doors shall be reluted immediately.

F. No person shall cause, suffer, or allow the operation of a coke quenching tower which is not equipped with interior baffles.

TABLE III

1. Propagation, stockage, and processing of animals or animal matter
2. Combustion, including combustion of waste
3. Food and beverage processing
4. Manufacture, storage, and application of paint, lacquer, varnish, and commercial solvents
5. Manufacture and storage of chemicals
6. Manufacture and processing of plastics or rubber
7. Manufacture of asphalt and asphalt products
8. Surface coating and treating processes
9. Smelting and debonding
10. Core making in foundries
11. Manufacture of coke
12. Manufacture of rubber
13. Manufacture of tear gas
14. Refining of crude oil and manufacture and storage of petroleum products
15. Decomposition of waste
16. Sewage treatment
17. Dry cleaning process
18. Painting and other graphic arts processes

TABLE IV

1. Rendering cookers
2. Animal blood dryers
3. Asphalt oxidation
4. Asphalt roofing manufacturing
5. Brake shoe debonding
6. Core ovens
7. Varnish cookers
8. Paint drying or baking ovens
9. Meat smokehouses other than those in single family houses
10. Coffee roasting
11. Fabric-backing and fabric-coating baking ovens
12. Ovens for curing of binders in mineral wool production
13. Tear gas manufacture
14. Sources of hydrogen sulfide or mercaptans

(50.0) 1810 STANDARDS FOR SOURCES

(51.16) .1 Volatile Organic Compounds

A. Storage of Volatile Organic Compounds

No person shall cause, suffer, or allow the placing, storing, or holding in any single stationary tank, reservoir, or other container rated at more than 40,000 gallons, of any volatile organic compound unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the open air or is designed and equipped with one of the following vapor loss control devices:

(1) A floating roof such as a pontoon type roof, a double-deck type roof, or an internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute, or greater, under actual storage conditions. All tank gauging or sampling devices shall be gas-tight, except when tank gauging or sampling is taking place.

(2) A vapor recovery system, consisting of: a vapor-gathering system capable of collecting the volatile organic compound vapors and gases discharged, and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the open air, with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place.

B. Volatile Organic Compounds Loading Facilities

(1) No person shall cause, suffer, or allow the loading of any volatile organic compound into any vehicular tank, rated at more than 200 gallons from any loading facility which loads 20,000 gallons or more in any one day, unless such loading facility is equipped with a vapor collection and disposal system as described in Subsection 1810.1A., properly installed, in good working order, and in operation.

(2) No person shall cause, suffer, or allow the loading of any volatile organic compound into any vehicular tank, rated at more than 200 gallons, from any loading facility which loads 20,000 gallons or more in any one day, unless such loading facility is equipped with a loading arm with a vapor collection adaptor and pneumatic, hydraulic, or other mechanical means to enforce a vapor-tight seal between the adaptor and the hatch of the tank. A means shall be provided to prevent liquid organic compound drainage from the loading device when it is not connected to

the hatch, or to accomplish complete draining before such removal. When loading is effected through means other than hatches all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

C. Volatile Organic Compound Water Separators

No person shall cause, suffer, or allow the use of any compartment of any single- or multiple-compartment volatile organic compound water separator, which compartment receives effluent water containing 200 gallons or more a day of any volatile organic compound from any equipment which processes, refines, treats, stores, or handles volatile organic compounds consisting of kerosene or more volatile organic materials, unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation:

(1) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight, except when gauging or sampling is taking place.

(2) A container equipped with a floating roof such as a pontoon type roof, double-deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight, except when gauging or sampling is taking place.

D. Pumps and Compressors for Volatile Organic Compounds

All pumps and compressors handling volatile organic compounds shall have mechanical seals.

E. Ethylene Production Plants

No person shall cause, suffer, or allow the emission into the open air of any waste gas stream from any ethylene production plant or facility, unless the gas stream is properly incinerated in conformity with Subsection 1809.5F., except that no person shall cause, suffer, or allow the emission of hydrocarbon gases into the open air from any vapor blowdown or other exhaust system unless such gases are burned by smokeless flares or otherwise disposed of to the satisfaction of the Director.

F. Compliance Techniques

Techniques other than those specified in the foregoing five Subsections may be used to comply with the requirements of these Subsections, if it is shown to the satisfaction of the Director that such alternate techniques are equivalent to or better than those specified in these Subsections in terms of the control of organic compounds.

G. Unsaturated Organic Compound Emissions

The emission standards as specified in Section 1809 shall also apply to the emission of any unsaturated organic material herein defined, for the purpose of this Subsection, as unsaturated chemical compounds of carbon which exist as gas at standard conditions.

(51.18) .2 Sulfuric Acid Plants

A. No person shall cause, suffer, or allow the emission into the open air, at any time, from any sulfuric acid production plant or facility, of sulfur oxides, expressed as SO_2, in excess of the rate of 6.5 lbs. per ton of acid produced.

B. No person shall cause, suffer, or allow the emission into the open air, at any time, from any sulfuric acid production plant or facility, of sulfuric acid mist, in excess of the rate of 0.5 lbs. per ton of acid produced, the production being expressed as 100 percent H_2SO_4.

(51.19) .3 Sulfur Recovery Plants

No person shall cause, suffer, or allow the emission into the open air, at any time, from any plant used for recovering elemental sulfur from gases containing sulfur compounds, or sulfur compounds, expressed as SO_2, in excess of the rate determined by the formula:

$$A = 0.32E^{-0.5}$$

where:

A = allowable emissions in pounds of sulfur oxides per pound of sulfur compounds, expressed as S, in the feed gases, and

E = recovery plant rating in long tons of sulfur per day.

(51.18)
(51.19) .4 Exceptions to Standards for Sulfur Acid and Recovery Plants

The provisions of Subsections 1810.2 and 1810.3 shall not be applicable to processes operated in conjunction with the desulfurization of by-product coke-oven gas, provided that the standards set forth in Subsection 1809.6B. have been complied with.

(51.4) .5 Blast Furnace Slips

A. Emissions from blast furnaces shall be kept to a minimum. No person shall cause, suffer, or allow any blast furnace to emit air contaminants, as a result of a slip, more than sixty (60) times in any consecutive twelve (12) month period or more than ten (10) times in any consecutive thirty (30) day period. For the purpose of this Subsection, a blast furnace slip is defined as a sudden emission of gas containing particulate matter of an opacity equal to or greater than

No. 2 of the Ringelmann Scale or of an equivalent opacity from the relief valves at the top of the furnace.

B. No person shall cause, suffer, or allow the operation of any blast furnace without providing a device for measuring and recording all blast furnace slips. Such device or devices must be approved by the Director.

C. All devices used for observing and recording blast furnace slips shall be maintained in good order. Safe and adequate means for inspection of such devices shall be provided by the person responsible for the blast furnace.

D. All persons responsible for blast furnaces shall make available to the Director, on request, the records of the required observation and recording devices. These records shall be deemed as an admission by the responsible person of the number of blast furnace slips occurring, but they shall not be deemed as a limit on the Director's action to present evidence that a greater number of slips occurred than the records indicate.

(51.17) .6 Slag Quenching

No person shall cause, suffer, or allow the water quenching of slag at any slag handling location, except if such quenching is performed under conditions which prevent the discharge of hydrogen sulfide or other air contaminants into the open air.

(51.13) .7 Open Burning

A. No person shall cause, suffer, or allow the open burning of any material, except where a permit has been obtained from the Director or where the open burning is conducted solely for the purpose of noncommercial preparation of food for human consumption or for recreation.

B. The Director may issue a permit for the open burning of material during a period set by the Director, but only when the open burning is solely for:

(1) The abating of a fire hazard when a fire is set by or under the supervision of a public officer.

(2) The instruction of personnel in fire fighting

(3) The fostering of agriculture

(4) The conducting of a ceremony

(5) Light, ornament, or other purpose contributing a negligible amount of air contaminants.

C. Coal Refuse Fires

(1) The persons responsible for any coal refuse pile or dump shall in the case of a fire in the pile or dump:

    (1) Report such fire to the Director upon discovery, and

    (2) Extinguish such fire at once, or demonstrate to the satisfaction of the Director that all necessary steps are being taken to extinguish such fire, and

    (3) Report the status of such fire to the Director at such periods as he may require.

(2) No person shall cause, suffer, or allow the establishment of a coal refuse pile or dump until a permit has been obtained from the Director. The Director shall not grant a permit unless adequate measures have been taken to prevent the ignition of the coal refuse pile or dump, such a removal of all combustible material and vegetation from the site, protection from trespassing, and such other requirements as the Director may deem necessary in view of local conditions.

(9.0) (13.0) 1811 REPORTING AND TESTING OF SOURCES

.1 Reporting

Any person who owns or operates a source of air contaminants, shall, within ninety (90) days after order by the Director, report to the Director in a form prescribed by the Director such information as the Director may require and is necessary to assess the actual and potential contribution of the source to the air quality of the County, including, but not limited to, information on the quantity and nature of potential or actual emissions and the nature and effectiveness of any gas cleaning devices operating in conjunction with the source.

.2 Testing

A. If there is reasonable cause to believe that any equipment or process is in violation of any provision of this Article, or if there is reasonable cause to believe that a source is a substancial contributor to the degradation of air quality, the Director may conduct emission or ambient air tests or may order the person responsible for such source to conduct and complete, within a specified period of time, under conditions prescribed by the Director, such tests as the Director deems necessary. The results of such tests shall be submitted to the Director within twenty (20) days after the tests have been completed.

B. At the request of the Director, the person responsible for such a source shall provide adequate sampling ports, safe sampling platforms, and adequate utilities for the performance of tests at such source by the Director.

C. Whenever a test is required to be performed by a person who is responsible for a source, such test and results will be accepted by the Director only if:

   (1) Such tests are made and the results calculated in accordance with test procedures approved by the Director, and

   (2) The Director has been given reasonable notice of the testing and has been given reasonable opportunity to observe and participate in the testing, and

   (3) The testing is conducted under the direct supervision of persons qualified by training and experience satisfactory to the Director to conduct such testing, and

   (4) The reports of the tests are accurate and comprehensive.

D. Stationary Sources

   (1) The following are applicable to source tests for determining emissions from stationary sources:

      (1) All performance tests shall be conducted while the source is operating at maximum routine operating conditions or under such other conditions, within the capacity of the equipment, as may be requested by the Director.

      (2) The Director shall consider test results for approval where sufficient information is provided to verify the source conditions existing at the time of the test and where adequate data is available to show the manner in which the test was conducted. Information submitted to the Director shall include, as a minimum:

         (a) A thorough description of the source, of any gas cleaning device, and the flue, and

         (b) Source operating conditions, e.g., charging rate of raw material or rate of production of final product, combustion rate, boiler pressure, oven temperature, and other conditions which may affect emissions from the source, and

         (c) The location of the sampling ports, and

         (d) Effluent characteristics, including velocity, temperature, moisture content, gas composition, and density, e.g., percent SO_2, CO_2, O_2, and N_2, and static and barometric pressures at pertinent points in the system, and

(e) Sample collection techniques employed, including procedures used, equipment descriptions, data to verify that isokinetic sampling occurred, where applicable, for particulate matter collection, and that acceptable test conditions were met, and,

(f) Laboratory procedures and results, and

(g) Calculated results.

(2) The following are applicable to tests for determining emissions of particulate matter from stationary sources:

(1) Test methods for particulate emissions shall include dry filters, or wet impingers, or both, as the Director may specify, and provide for at least a ninety-five (95) percent collection efficiency of particulate matter.

(2) Isokinetic sampling procedures shall be used whenever it is possible to apply them in sampling for particulate matter emissions, and the weights of all soluble and insoluble particulate shall be determined gravimetrically after removal of uncombined water.

(3) Test methods and procedures shall be equivalent to, or modified to produce results equivalent to, those results which would be obtained by employing the procedures specified in References 1 and 2 of Subsection 1811.2F. The equipment shall be inert where appropriate and similar to that specified in References 1, 2, and 3 of Section 1811.2F).

(4) The minimum sampling time shall be one hour, and the minimum sample volume shall be fifty (50) cubic feet corrected to standard conditions (dry basis).

(5) Results shall be reported both as pounds of particulate matter per hour and in accordance with units specified in Subsections 1809.3, 1809.4, and 1809.5 pertaining to fuel-burning or combustion equipment, processes, or incinerators.

(6) Where the Director determines that the above methods and procedures are not applicable, the Director shall specify the appropriate sampling and testing procedures.

(3) The following are applicable to tests for determining emissions of SO_x, H_2S, and NO_x from stationary sources:

(1) Test methods for SO_x, H_2S, and NO_x shall provide for at least ninety-five (95) percent collection efficiency of oxides of sulfur, hydrogen sulfide, and oxides of nitrogen,

respectively.

(2) Sample collection for SO_x shall be at a rate proportional to the stack gas velocity, where applicable, and the weight of oxides of sulfur shall be determined volumetrically.

(3) Test methods and procedures for SO_x shall be equivalent to, or modified to produce results equivalent to, those results which would be obtained by employing the procedures specified in Reference 2 of Subsection 1811.2F. The equipment shall be inert where appropriate and similar to that specified in Reference 2 of Subsection 1811.2F.

(4) Sample collection for H_2S shall be at a rate proportional to the stack gas velocity, where applicable, and the weight of hydrogen sulfide shall be determined colorimetrically.

(5) Test methods and procedures for H_2S shall be equivalent to, or modified to produce results equivalent to, those results which would be obtained by employing the procedures specified in Reference 4 of Subsection 1811.2F. The equipment shall be inert where appropriate and similar to that specified in Reference 2 of Subsection 1811.2F.

(6) For determining emissions of SO_x and H_2S, the minimum sampling time shall be one (1) hour and the minimum sample volume shall be thirty (30) cubic feet corrected to standard conditions (dry basis).

(7) Test methods, procedures, and equipment for NO_x shall be similar to those specified in Reference 1 of Subsection 1811.2F.

(8) Results shall be reported as pounds per hour of SO_x as SO_2, pounds per hour of H_2S, or pounds per hour of NO_x as NO_2, and in accordance with units specified in the Sections and Subsections covering sulfur compounds, fuel-burning or combustion equipment, by-product coke-oven gas, sulfuric acid plants, and sulfur recovery plants.

(4) Test methods and procedures for determining emissions of contaminants other than particulate matter, SO_x, H_2S, and NO_x, from stationary sources shall be consistent with accepted air pollution testing practices and with obtaining accurate results which are representative of the conditions evaluated, and such procedures shall be approved by the Director and shall be clearly recorded in the report of test results.

(5) Test methods and procedures for fugitive particulate matter may include ambient test procedures approved by the Director and in

accordance with or equivalent to procedures specified in References 4, 5, 6, 7, 8, and 9 of Subsection 1811.2F. and other provisions of this Article.

(6) The Director may issue a supplement to this Section containing detailed information on source test methods and procedures and indicating the information that should be contained in a report of emissions.

(7) Where the Director determines that the methods and procedures set out in Subsection 1811.2 are not applicable, the Director shall specify the appropriate sampling and testing procedures.

E. Ambient Levels of Air Contaminants

Methods for determining ambient levels of air contaminants are as follows:

(1) Sampling and analytical methods that may be used directly or used as reference standards against which other methods may be calibrated. These methods are set out in Table V.

TABLE V

	Reference Standards	
Contaminants	Sampling Method	Analytical Method
Settled particulates (total)	open top cylinder (6)	gravimetric (6)
Lead	high-volume filtration (7)	spectrographic (7)
Beryllium	high-volume filtration (7)	spectrographic (7)
Sulfates (as H_2SO_4)	high-volume filtration (7)	turbidimetric (8)
Fluorides (total soluble, as HF)	filtration plus gas absorption (9)	thorium-alizarin lake titration (9)
Hydrogen Sulfide	gas absorption (4)	methylene blue method (4)
Suspended Particulate Matter	high-volume filtration (7)	gravimetric (7)

The numbers following the reference standards refer to references compiled at the end of Subsection 1811.2F.

(2) Sampling and analytical procedures promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act are hereby incorporated, by reference, as part of the methods listed in this section.

F. References

(1) "Standards of Performance for New Stationary Sources," Federal Register Part II, Volume 36, No. 247, pp. 24876-24895, December 23, 1971, Washington, D.C.

(2) Devorkin, H., et al. "Air Pollution Source Testing Manual," Los Angeles Air Pollution Control District, Second Printing, November, 1965.

(3) "Standard Method for Sampling Stacks for Particulate Matter," American Society for Testing Materials, D 2928-71, 1916 Race Street, Philadelphia, Pennsylvania.

(4) Jacobs, M. D. et al., "Ultramicrodetermination of Sulfides in Air," Anal. Chem., 29:1349 (1957).

(5) "Air Sampling Instruments," 2nd ed., American Conference of Governmental Industrial Hygiesists, 1014 Broadway, Cincinnati 2, Ohio, 1962, pp. B-3-12-B-3-14.

(6) "Recommended Standard Method for Continuing Dust Fall Survey (APM-1, Revision 1)," TR-2 Air Pollution Measurements Committee, J. Air Poll. Control Assoc., 16:372 (1966).

(7) "Air Pollution Measurements of the National Air Sampling Network: Analyses of Suspended Particulates 1957-1961," Public Health Service Pub. No. 978, Washington, D.C., 1962.

(8) Interbranch Chemical Advisory Committee, "Selected Methods for the Measurement of Air Pollutants," PHS Pub. No. 999-AP-11, Cincinnati, Ohio, 1965, p. I-1.

(9) "Standard Method of Test for Inorganic Fluoride in the Atmosphere," ASTM Standards on Methods of Atmospheric Sampling and Analyses, Philadelphia, Pennsylvania, 1962, p. 67.

(4.0) 1812 AMBIENT AIR QUALITY STANDARDS

.1 National Ambient Air Quality Standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act, are hereby incorporated, by reference, as part of the standards of this Section.

.2 The Ambient Air Quality Standards adopted by the Pennsylvania Environmental Quality Board, pursuant to the provisions of the "Air Pollution Control Act," 1960, January 8, P.L. (1959) 2119, are hereby incorporated, by reference, as part of the standards in this Section.

.3 A suspended particulate matter concentration of 350 ug/m^3, averaged over four (4) hours, not to be exceeded, is adopted as part of the standards in this Section.

.4 The values specified in this Section shall be considered as representing minimum acceptable air quality, not necessarily desirable or satisfactory air quality. Nothing contained in this Section shall be construed to preclude the Director from enforcing or applying any provisions of this Article in areas where the ambient air quality is, or will be, at concentrations less than those specified in this Section.

(8.0) 1813 AIR POLLUTION EMERGENCY EPISODE SYSTEM

.1 General

A. The purpose of this Section is to provide the Bureau with the authority and means to act to decrease the severity and duration of high air pollution episodes. Air pollution episodes are understood to be short periods of time during which high air pollution concentrations are brought about by the occurrence of stagnant weather conditions conducive to the poor dispersion of air contaminants. Such concentrations are defined as those which result in significant harm to human health or welfare.

B. Such conditions are to be avoided by staged reductions in the emission of air pollutants and general reduction in activities which place demands upon sources of air pollution, in conjunction with air quality measurements and meteorological forecasts. The goal of the staged reductions is the avoidance of conditions deemed to present imminent substantial endangerment to human health and welfare.

C. Upon the establishment by the Department of appropriate air monitoring facilities in Allegheny County, the described emergency episode system shall be implemented. The Department shall make available information on the location of air monitoring facilities and the sampling and data handling techniques employed.

D. Nothing contained in this Section shall be construed as allowing an emission from any installation in Allegheny County to be subject to a lesser degree of control than may be required by existing or new regulations.

.2 Air Pollution Source Curtailment Plans

A. Any person responsible for a source of air contamination or a potential source of air contamination, as set forth in Table VI, shall prepare source curtailment plans, consistent with good industrial practice and safe operating procedures, designed to reduce emissions of air contaminants during periods designated within this Section as First Stage Alert, Second Stage Alert, or Emergency Stage. Such plans shall be designed in accordance with the guides set forth in Table VI, which follows, and with any further guides developed by the Department in the administration of this Section.

TABLE VI

FIRST STAGE ALERT

Source of Emissions	First Stage Alert Actions
1. Coal or oil-fired electric power generating facilities.	a. Reduction of emissions by utilizing fuels having low ash and sulfur content, using gaseous fuels if possible. b. Reduction of emissions by diverting electric power generation to stations outside Stage I Alert area.
2. Coal or oil-fired steam generating facilities having a rated capacity greater than 10 million BTU per hour.	a. Reduction by utilization of fuels having low ash and sulfur content, using gaseous fuels if possible. b. Reduction in steam load demands.
3. Manufacturing industries of the following Standard Industrial Classifications which employ more than twenty (20) employees at any one location. Group Primary Metals 33 Paper and Allied Products 26 Chemicals and Allied Products 28 Petroleum Refining and Related Industry 29 Stone, Glass, Clay, and Concrete Products 32	a. Reduction of emissions from manufacturing operations by curtailing, postponing, or deferring production and allied operations. b. Reduction of emissions by deferring by-product or trade waste disposal. c. Reduction in emissions of air contaminants by the maximum efficient use of process heat equipment.

SECOND STAGE ALERT

Source of Emissions	Second Stage Alert Action
1. Coal or oil-fired electric power generating facilities.	a. Reduction of emissions by utilizing fuels having low ash and sulfur content, using gaseous fuels if possible.
	b. Reduction of emissions by diverting electric power generation to stations outside Stage II Alert area.
	c. Reduction in power supplied to users outside Stage II Alert area.
2. Coal or oil-fired steam generating facilities having a rated capacity greater than 10 million BTU per hour.	a. Reduction of emissions by utilization of fuels having low ash and sulfur content, using gaseous fuels if possible.
3. Manufacturing industries of the following Standard Industrial Classifications which employ more than twenty (20) employees at any one location. Group Primary Metals 33 Paper and Allied Products 26 Chemicals and Allied Products 28 Petroleum Refining and Related Industry 29 Stone, Glass, Clay, and Concrete Products 32	a. Substantial reduction of air contaminants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or substantial damage to equipment.
	b. Substantial reduction of air contaminants from by-product or trade waste disposal operations.
	c. Substantial reduction in emissions of air contaminants by the maximum efficient use of process heat equipment.

EMERGENCY STAGE

Source of Emissions	Emergency Stage Alert Actions
1. Coal or oil-fired electric power generating facilities.	a. Reduction of emissions by utilizing fuels having low ash and sulfur content, using gaseous fuels if possible. b. Reduction of generation by maximum reduction in power supplied to users outside Emergency Stage area.
2. Coal or oil-fired steam generating facilities having a rated capacity greater than 10 million BTU per hour.	a. Maximum reduction by reducing heat and steam demands to absolute minimum consistent with preventing substantial equipment damage. b. Utilization of fuels having low ash and sulfur content.
3. Manufacturing industries of the following Standard Industrial Classifications which employ more than twenty (20) employees at any one location. Group Primary Metals 33 Paper and Allied Products 26 Chemicals and Allied Products 28 Petroleum Refining and Related Industry 29 Stone, Glass, Clay, and Concrete Products 32	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the maximum extent possible without causing injury to persons or substantial damage to equipment. b. Elimination of air contaminants from by-product or trade waste disposal operations. c. Maximum reduction in emissions of air contaminants by the maximum efficient use of process heat equipment for the purpose of preventing substantial damage to equipment.

B. Any person responsible for the operation of a source of air contaminants or potential air contaminants not specifically identified in Table VI shall, when requested by the Director in writing, prepare source curtailment plans, consistent with good industrial practice and safe operating procedures, designed to reduce emissions of air contaminants during periods defined as First Stage Alert, Second Stage Alert, or Emergency Stage in accordance with the objectives of this Section.

C. Source curtailment plans as required above shall be in writing and show the source of emissions, the approximate emissions rate and the minimum amount and percentage of reductions to be achieved upon implementation, the time necessary after notification to implement the plan, and a brief description of the manner in which reductions will be achieved, at the First Stage Alert, Second Stage Alert, and Emergency Stage of an air pollution emergency episode.

D. The goal of a First Stage Alert source curtailment plan is the reduction of air contaminant emissions to a level that would result were the source in compliance with the appropriate emissions standards contained in other sections of this Article. The goal of a Second Stage Alert source curtailment plan is the substantial reduction of emissions of air contaminants by ceasing, curtailing, deferring, or postponing production and allied operations without causing injury to persons or substantial damage to equipment. The goal of an Emergency Stage source curtailment plan is the elimination of emissions of air contaminants by ceasing, curtailing, deferring, or postponing production and allied operations without causing injury to persons or substantial damage to equipment.

E. Source curtailment plans for incinerators shall specify what preparations have been made to handle and store, or otherwise dispose of without incineration, the amount of refuse that could accumulate for four (4) days.

F. During conditions of Air Pollution Watch, First Stage Alert, Second Stage Alert, or Emergency Stage, source curtailment plans required by this Section shall be made immediately available on the premises to any person authorized to enforce the provisions of this Article.

G. When requested by the Director, each person responsible for the operation of a source or potential source of air contaminants, who is required by this Section to prepare source curtailment plans, shall submit its plan to the Department within thirty (30) days of the receipt of such a request. If such a plan is not acceptable to the Director, he may issue an order directing the responsible person to modify and resubmit the plan, and he may set out the data by which such modified plan shall be resubmitted. Such an order shall contain the reason for disapproval and recommend specific changes or additions to the plan.

H. The Director shall have the authority, upon his determination that particular sources are adversely contributing to an air pollution episode, to order such sources to implement the procedures of their source curtailment plans. Upon notification by the Director of the existence of any episode stage and the need to implement a source curtailment plan, the individual responsible for the operation of an air pollution source shall implement such a plan.

I. On the basis of plans submitted in accordance with the foregoing provisions and on other information available to the Director, the Director shall prepare a master plan describing procedures and plans to be followed by the Department, individual sources, and the public, at each stage of an air pollution emergency episode.

J. In the absence of a generalized condition of air pollution of the type referred to as Alert or Emergency Stages, if the Director nevertheless finds that emissions from the operation of one or more air contamination sources is causing imminent danger to human health, safety, or welfare, he may order the persons responsible for the sources to reduce or discontinue emissions immediately without regard to the other provisions of this Section.

.3 Emergency Episode Criteria

A. Air Pollution Watch Criteria

An Air Pollution Watch shall be declared by the Director when either of the following conditions have been met:

(1) The Bureau has received an official meteorological forecast that for the next 36-hour period or more a condition of atmospheric stagnation conducive to the poor dispersion of air contaminants will exist, or

(2) The Bureau has received an official meteorological forecast that a condition of atmospheric stagnation has existed for the preceding 12 hours and that such conditions are forecast for the next 24-hour period or more.

B. First Stage Alert Criteria

The Director shall declare a First Stage Alert to exist if, during a Watch period, any of the following values have been equalled or exceeded at any official monitoring station judged by the Bureau to be in working condition provided that the Bureau has obtained a forecast that for the next 24 hours or more a condition of atmospheric stagnation conducive to the poor dispersion of air contaminants will exist.

The First Stage Alert values are:

Sulfur Dioxide (SO_2)	0.30 ppm, 24-hour average, 0.40 ppm, 12-hour average
or,	
Soiling Index	3.0 COH/1000 ft., 24-hour average, or 4.0 COH/1000 ft., 12-hour average
or,	
(SO_2) x (Soiling Index)	0.20 ppm-COH/1000 ft., 24-hour average, or 0.30 ppm-COH/1000 ft., 12-hour average
or,	
Carbon Monoxide (CO)	15 ppm, 8-hour average.

C. Second Stage Alert Criteria

The Director shall declare a Second Stage Alert to exist if, during a Watch period, any of the following values have been equalled or exceeded at any official monitoring station judged by the Bureau to be in working condition provided that the Bureau has obtained a forecast that for the next 12-hour period or more a condition of atmospheric stagnation conducive to the poor dispersion of air contaminants will exist. The Second Stage Alert values are:

Sulfur Dioxide (SO_2)	0.50 ppm, 24-hour average, or 0.60 ppm, 12-hour average
or,	
Soiling Index	6.0 COH/1000 ft., 24-hour average, or 7.0 COH/1000 ft., 12-hour average
or,	
(SO_2) x (Soiling Index)	1.0 ppm-COH/1000 ft., 24-hour average, or 1.5 ppm-COH/1000 ft., 12-hour average
or,	
Carbon Monoxide (CO)	30 ppm, 8-hour average
or,	

Nitrogen Dioxide (NO_2)	0.30 ppm, 24-hour average
or,	
Oxidants	0.25 ppm, 4-hour average.

D. Emergency Stage

The Chairman of the Board of County Commissioners, or his designated representative, in conjunction with advice from the Director, shall declare an Emergency Stage to exist if, during a Watch period, any of the following values have been equalled or exceeded at any official monitoring station judged by the Bureau to be in working condition, provided that the Bureau has obtained a forecast that for the next 12-hour period or more a condition of atmospheric stagnation conducive to the poor dispersion of air contaminants will exist. The Emergency Stage values are:

Sulfur Dioxide (SO_2)	0.80 ppm, 24-hour average
or,	
Soiling Index	7.0 COH/1000 ft., 24-hour average
or,	
(SO_2) x (Soiling Index)	1.4 ppm-COH/1000 ft., 24-hour average
or,	
Carbon Monoxide (CO)	40 ppm, 8-hour average
or,	
Nitrogen Dioxide (NO_2)	0.40 ppm, 24-hour average
or,	
Oxidants	0.35 ppm, 4-hour average.

E. Termination

(1) An Emergency Stage declaration shall be terminated by the Chairman of the Board of County Commissioners or his designated representative when Emergency Stage values are no longer exceeded and when an official meteorological forecast is received that for the next 24-hour period conditions conducive to the good dispersion of air contaminants will exist.

(2) The Director shall terminate a First or Second Stage Alert when the respective Alert Criteria no longer are exceeded or when an official meteorological forecast is received that for the next 24-hour period conditions conducive to the good dispersion of air contaminants will exist. The latter forecast will terminate a Watch.

(3) Upon the termination of an Emergency, or First or Second Stage Alert, the Director shall make a public announcement to that effect, and shall also so notify those persons required to implement source curtailment plans.

(4) Upon the termination of an Emergency Stage or Second Stage Alert, the Director shall prepare and make available to the Advisory Committee and the public a report on the severity and duration of the preceding air pollution episode and the nature and effectiveness of measures taken to control the episode.

.4 Emergency Episode Actions

A. Air Pollution Watch Actions

Upon the declaration of an Air Pollution Watch:

(1) The Bureau shall review air quality information for the past 24-hour period, determine the current operational status of the air pollution monitoring network, and compute all relevant air quality indices until the Watch is terminated.

(2) The Bureau shall notify all sources of air pollution that require advance preparation time that a Watch is in effect and that coordination of episode control actions will be required.

(3) The Bureau shall notify all affected staff and affected State, Local and Federal agencies that a Watch is in effect and that coordination of episode control actions will be required.

B. First Stage Alert Actions

Upon the declaration of a First Stage Alert:

(1) The Bureau shall determine which source curtailment plans should be placed in effect and in which area and notify those sources to institute First Stage Alert curtailment actions.

(2) The Bureau shall notify all affected Local, State, and Federal agencies that a First Stage Alert is in effect and that coordination of episode control actions is required.

(3) The Bureau shall inform the public via the mass media that a First Stage Alert is in effect. The public shall be requested to curtail use of automobiles and electricity and to otherwise take actions required by this Article. Individuals sensitive to high levels of air pollution shall be advised to take precautionary measures.

(4) All open burning of tree waste, vegetation, refuse, or debris of any form shall be prohibited, notwithstanding the existence of any variance or program of delayed compliance.

(5) Incinerators used for the disposal of solid or liquid waste shall be operated only between the hours of 12:00 noon and 4:00 P.M.

C. Second Stage Alert Actions

Upon the declaration of a Second Stage Alert:

(1) The Bureau shall determine which source curtailment plans should be placed in effect and in which areas and notify those sources to institute Second Stage Alert curtailment actions.

(2) The Bureau shall notify all affected Local, State, and Federal agencies that a Second Stage Alert is in effect and that continued coordination of episode control actions is required.

(3) The Bureau shall inform the public via the mass media that a Second Stage Alert is in effect. The public shall be requested to continue to curtail use of automobiles and electricity and to otherwise take actions required by these regulations. Commercial establishments involved in retail trade, amusement, and recreation, office buildings, and other businesses and institutions listed in Subsection 1813.4D.8. shall be requested by the Bureau to voluntarily reduce their consumption of electricity and to maintain their buildings and offices at the legal minimum temperature. The Bureau shall advise those individuals deemed to be particularly sensitive to high levels of air pollution to take precautionary measures. Hospitals shall be informed that a Second Stage Alert has been declared and that increased demand upon their facilities may be imminent.

(4) All open burning of tree waste, vegetation, refuse, or debris of any form shall be prohibited, notwithstanding the existence of any variance or program of delayed compliance.

(5) Incinerators used for the disposal of solid or liquid wastes shall not be operated with the exception of those used for the incineration of pathogenic materials for which written permission to operate has been obtained from the Director.

(6) In the event Second Stage Alert carbon monoxide, oxidant, or nitrogen dioxide values are exceeded at any official monitoring station, the Bureau shall act in concert with Local and State traffic control agencies to divert vehicular traffic around and away from affected areas and act in other ways to minimize vehicular air contaminant emissions in the vicinity of affected areas. The public shall be informed of the location of such areas and be requested to avoid them.

D. Emergency Stage Actions

Upon the declaration of an Emergency Stage Alert:

(1) The Bureau shall notify all affected Local, State, and Federal agencies that an Emergency Stage is in effect and that continued coordination of episode control actions is required.

(2) The Bureau shall inform the public via the mass media that an Emergency Stage is in effect. Those individuals deemed to be particularly sensitive to high levels of air pollution shall be informed directly that an Emergency Stage has been declared and that increased demand upon their facilities may be imminent.

(3) Second Stage Alert prohibitions of open burning and incineration shall remain in effect during the Emergency Stage.

(4) Those persons required to design emergency episode source curtailment plans shall reduce their emissions in accordance with the guides set forth in Subsection 1813.2 when notified by the Bureau that an Emergency Stage has been declared.

(5) All non-essential motor vehicle use within the County shall be prohibited. Essential uses include police, fire, and health services, delivery of food and essential fuels, waste collection, direct conveyance between home and employment of those persons employed by air pollution sources required to institute Emergency Stage source curtailment plans, travel by employees of the Department and other agencies and courts needed to administer this Article, direct one-way conveyance home by members of the public, and travel for other purposes directly related to the protection of health and safety.

(6) All airplane flights originating within the County shall be prohibited with the exception of those required by public health or safety as approved by the Director in advance.

(7) Public buildings, apartment houses, commercial facilities listed in Subsection 1813.4D.8., air pollution sources permitted to operate during an Emergency Stage, office buildings, and other buildings, offices, and factories listed in the Emergency Episode Master Plan shall reduce the temperature of their structures and offices to the legal minimum.

(8) All places of employment described hereafter shall immediately cease operations:

    (1) Mining and quarrying of non-metallic minerals

    (2) All construction work, except that which must proceed to avoid physical harm

(3) All manufacturing establishments, except those possessing emergency episode curtailment plans

(4) Wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional users or other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies

(5) Government agencies, boards, authorities, courts, and other public bodies, except those needed to administer and enforce the Air Pollution Emergency Episode program or those determined by the Chairman of the Board of County Commissioners to be vital to the public safety, health, or welfare

(6) All retail trade establishments, except pharmacies and stores primarily engaged in the sale of food

(7) Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services, offices of insurance carriers, agents and brokers, and real estate offices

(8) Wholesale and retail laundries, laundry services and cleaning and drying establishments, photographic studios, beauty shops, barber shops, and shoe repair shops

(9) Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blueprinting, photocopying, mailing lists, stenographic services, equipment rental services, commercial rental services, and commercial testing laboratories

(10) Automobile repair, automobile services, and garages

(11) All wholesale and retail handling of gasoline

(12) Establishments rendering amusement and recreation services including motion pictures theaters

(13) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries

(14) All other places of employment as announced by the Chairman of the Board of County Commissioners.

(5.0) 1814 VARIANCES

.1 The Air Pollution Variance Board

A. There shall be established an Air Pollution Variance Board consisting of five (5) members, appointed by the Board of County Commissioners, who shall have the power to grant variances in conformity with this Section. The Board of County Commissioners shall designate one member to serve as Chairman. Those individuals appointed to the Board of Air Pollution Appeals and Variance Review under Article XVII of the Allegheny County Health Department Rules and Regulations, effective January 1, 1970, shall serve as members of the Air Pollution Variance Board until the expiration of their original appointments. Members of the Air Pollution Variance Board appointed subsequent to the effective date of this Article shall be appointed for a term of four (4) years. The following criteria shall be followed in appointing members to the Board:

(1) Members of the Board shall be residents of the County of Allegheny.

(2) One member shall be an engineer registered by the Commonwealth of Pennsylvania.

(3) One member shall be a physician licensed to practice in the Commonwealth of Pennsylvania.

(4) One member shall be an attorney admitted to practice law before any court in the United States.

B. Criteria establishing general conduct of the Board's business are as follows:

(1) All action of the Board shall be by a majority of the members of the Board.

(2) Meetings of the Board shall be held at the request of the Chairman or at such other times as the majority of the Board shall determine.

(3) The Board shall have the power to adopt and enforce such rules of procedure as it may deem necessary to perform its duties as provided in this Article.

(4) Any member of the Board who has any personal interest in any petition for a variance which is before the Board shall disqualify himself from consideration of such petition.

C. The Director shall designate a Secretary of the Air Pollution Variance Board, who shall be authorized to receive petitions, accept service on behalf of the Board, and perform such other duties as the Board may require, including, but not limited to, notifying the

Director of the status of compliance with each condition attached to a variance.

.2 Petitions

The Air Pollution Variance Board may grant an exemption or variance from compliance with any emission standard or other standard of performance set forth in this Article, except those contained in Section 1813, upon the petition of the person responsible for the air contamination source for which such an exemption is sought. The petition shall be filed with the Secretary of the Board and shall include or shall be accompanied by the following:

(1) One hundred dollars ($100) in cash or a certified check in that amount payable to the Treasurer of the County of Allegheny

(2) The name, address, and telephone number of the petitioner and any other person authorized to receive notice

(3) The type and location of the operations giving rise to the emissions for which a variance is sought, including a description of the process or activity giving rise to such emissions

(4) The quantity and nature of such emissions in the same units as is the standard for which a variance is being sought

(5) Each provision of this Article for which a variance is sought

(6) A detailed plan setting forth all steps the petitioner proposes to take to reduce such emissions to a level permitted by this Article, including a schedule indicating the dates upon which each intermediate step shall be completed and the date upon which full compliance with the standards and requirements of this Article shall be achieved, and the period for which a variance is sought.

(7) The reasons why full compliance with the standards and requirements of this Article cannot be attained at any time prior to the date of full compliance set forth in petitioner's plan

(8) Any and all other information and data which the Board may reasonably require.

.3 Variance Standards

A. The Board shall grant any petition for a variance, in whole or in part, upon a review of the petition and accompanying material and upon any additional investigations which the Board may conduct, provided the Board finds that:

(1) Such action will not prevent or interfere with attainment or maintenance of any ambient air quality standard contained in this Article within the time prescribed for the attainment of

such ambient air quality standard by the Clean Air Act, or the Commonwealth of Pennsylvania, whichever time is the lesser, and

(2) The quality and level of emissions from the source at the expiration of the variance will comply with the applicable standards of this Article, and

(3) Such action is reasonable, considering: the toxicity and other effects of such emissions on the public health, safety, and welfare; the meteorological factors affecting the dispersion of the emissions; the land use characteristics of the areas affected by the emissions; efforts taken by the petitioner to comply with provisions of this Article and any article that was in effect prior to the effective date of this Article, which efforts are related to those contaminants which are the subject of the petition; the status of compliance of the petitioner; and any other relevant factors.

B. In granting a variance, the Board may set reasonable terms and conditions including, but not limited to, the following:

(1) The gradual reduction of emissions during the variance period

(2) The reduction, cutback, or alteration of operations giving rise to the emissions for which the variance is sought

(3) The development of new air pollution control technology by the petitioner

(4) The submission of periodic progress reports of the steps taken to reduce emissions

(5) The sampling of emissions and the monitoring and recording of emissions and any operating conditions that may affect the emissions, at such locations, at such intervals of time, and in accordance with such methods and procedures as the Board may prescribe, results of which shall be submitted to the Board.

.4 Variance Conditions

A. Any variance granted pursuant to this Section shall be granted for a period of time not to exceed two (2) years, and may be renewed after additional public hearings for additional periods of time, not to exceed one (1) year each, and not to extend beyond a total of four (4) years from the granting of the initial variance. A petition for the renewal of a variance must be submitted to the Board at least sixty (60) days prior to the expiration of the period for which the variance was originally granted, and must comply with the requirements for submission of a variance petition as prescribed in this Section. The filing of a petition for an additional variance shall not operate as a stay of prosecution.

B. The Board may, for good cause, revoke, modify, amend, or change, in whole or in part, at any time, any granted variance. Without intending to limit the generality of the immediately preceding sentence, the failure to perform, within the time specified for such performance, any condition or requirement attached to the grant of a variance, shall constitute sufficient cause to revoke such variance.

C. Any petition which complies with the requirements of this Section and which is received by the Board before October 1, 1972, shall operate as an automatic stay of prosecution for violations of those provisions of this Article with respect to which the variance is sought, until one (1) year after the effective date of this Article or until the Board renders a decision on such petition, whichever comes first. But in no event shall the filing of any petition for a variance, or the grant thereof, relieve the petitioner from full compliance with any orders and permits heretofore issued or any stipulations and agreements heretofore entered into by the Director, nor shall such filing in any way preclude the Director from pursuing any and all remedies available to him at law or in equity to enforce such orders, permits, stipulations, or agreements.

D. No variance may be granted for the operation of any single chamber incinerator except sewage sludge incinerators.

.5 Procedures

A. Notwithstanding the existence of a variance, any person responsible for any air contamination source, who is required by this Article to prepare a Source Curtailment Plan, shall be subject to prosecution for violation of any provision of this Article during a First Stage Alert, Second Stage Alert, or Emergency Stage of an air pollution episode.

B. The Board shall conduct a public hearing on each petition for a variance. The Board may adopt such rules and procedures as it deems necessary to conduct such public hearings which shall be subject to the following criteria:

(1) Parties to a variance hearing may include, aside from the petitioner, the Director of the Allegheny County Health Department and other intervening parties who petition the Board under procedures established by it.

(2) Any party involved may appear with counsel, file written arguments, offer testimony, cross-examine witnesses, or take any combination of such actions pursuant to the procedures established by the Board.

(3) In any case where a person seeking a variance contends that

compliance with any provision of this Article is not practical or possible because of the cost involved either in installing air pollution control equipment or changing or curtailing his operation in any manner, he shall make available to the Board such financial records as the Board may require.

(4) All testimony taken before the Board shall be under oath and may be recorded stenographically. The transcripts of the record shall be made available to any person upon payment of the fair charges therefor.

(5) The Board shall notify the Director and any parties of record of all petitions for a variance it receives thirty (30) days prior to any hearing on the petition.

(6) All hearings must be conducted in the presence of at least three (3) members of the Board. The Chairman of the Board may appoint any member to conduct the hearing, and the Chairman or member conducting the hearing shall have authority to administer oaths and do all other necessary and proper duties in the conducting of a hearing.

(7) Any person who petitions for a variance in excess of eighteen (18) months or who petitions for a renewal or extension of a variance shall advertise the time and place of the variance hearing, and include in such notice the name of the petitioner, the source of emissions and emissions standard for which a variance is sought, a statement that any person may present testimony at the variance hearing, and a telephone number at which relevant information may be obtained. Such notice shall be advertised in a prominent place and size in two newspapers of general circulation at least twenty (20) days before such hearing.

(8) The Board shall hold a public hearing not less than thirty (30) days after the filing of a petition for variance and shall generally make a final decision within ninety (90) days after the date of the original hearing.

(9) All decisions of the Board shall be in writing, shall contain findings of fact and the reasons for the decision, and shall be served on all parties and the Director personally or by certified mail. If service is made by certified mail, the date of receipt shall be considered the date of service for the purpose of any appeal.

(10) Any decision of the Board rendered pursuant to this Article shall be final. Any appeal therefrom shall be made to the Court of Common Pleas of Allegheny County pursuant to the provisions of Local Agency Law 1968, December 2, P.L. ______, No. 353 § 1, effective January 1, 1969.

.6 Stay of Proceedings

In any case the Director may, upon application of any petitioner, grant a stay of all proceedings, including prosecutions for violations of this Article, pending the decision of the Board.

(3.0) 1815 PERMITS AND FEES

.1 Permits

A. Purpose

It is the purpose of this Section to insure that:

(1) All applicable emission standards and standards of performance will be complied with by persons operating or intending to operate sources of air contaminants, by prior review of all plans for the construction, modification, installation, replacement, or reactivation of sources of air contaminants and air pollution control devices and by periodic review of compliance with permit conditions

(2) In areas of Allegheny County in which existing air quality is superior to any ambient air quality standard, such air quality will be generally maintained

(3) All new sources of air contaminants shall control emissions to the maximum extent possible by the use of the best obtainable technology.

B. Installation Permits

(1) After the effective date of this Article, no person shall be permitted to construct, install, modify, replace, or reactivate any device, machine, system, equipment, or other source of air contaminants which may result in the emission of air contaminants into the open air, or any device, machine, system, or equipment which may eliminate, reduce, or control the emission of air contaminants into the open air, unless he has obtained an Installation Permit for the construction, installation, modification, replacement, or reactivation of such device, machine, system, or equipment.

(2) The provisions of Subsection 1815.1B. shall not apply to fuel-burning or combustion equipment of a net load rating of 200,000 BTU per hour or less, motor vehicles or other devices used for overland transportation, or incinerators used exclusively for domestic purposes in buildings containing fewer than three dwelling units.

(3) Applications for Installation Permits shall be made on forms prepared by the Director for such purpose. The application

forms may call for information as the Director may require to determine whether the permit should be issued. Applications shall be accompanied by the required fee as determined by Schedule I.

(4) The Director shall reject any application for an Installation Permit if he finds that:

(1) The proposed installation, construction, modification, replacement, or reactivation will result in emissions of air contaminants which are in excess of amounts permitted by this Article; or where no standards have been prescribed by this Article, the Director finds that all available methods to prevent and control the emissions of air contaminants have not been utilized, or

(2) The operation of the installation would prevent the attainment and maintenance of any ambient air quality standard defined in this Article, or

(3) For new sources, the installation does not utilize the best obtainable technology to control the emission of air contaminants from the source, or does not meet standards for new sources or sources of hazardous air contaminants prescribed by the Commonwealth of Pennsylvania or by the Administrator of the Environmental Protection Agency pursuant to the Clean Air Act, or

(4) The information required by the Director in the application has not been supplied or is not adequate to permit the evaluation of the permit application.

(5) To insure the continued compliance with the standards of this Article, Installation Permits issued hereunder may be subject to such terms and conditions as the Director may require. The Director may require that Installation Permits include: requirements for continued maintenance, alternate operational or control plans designed to bring about a reduction of air contaminants on an interim basis in compliance with Section 1813, provisions to equip the source of air contaminants with adequate facilities to monitor and record the emissions of air contaminants, and any operating conditions that may affect the emissions of air contaminants.

(6) An Installation Permit may be revoked at any time if the Director finds that any statement made in the permit is not true or has not been complied with, or that the control of air contaminants will not be in the manner or to the degree stated in the permit, or that the terms and conditions of the permit have not been complied with in any manner.

C. Operating Permits

(1) No person shall operate any device, equipment, system, machine, or other source of air contaminants which may, if uncontrolled, result in the emission of air contaminants, or any device, equipment, system, or machine which may eliminate, reduce, or control the emission of air contaminants into the open air, unless he has obtained an Operating Permit or a Variance Operating Permit for the operation of such device, machine, equipment, or system, except that the Director may permit the temporary operation of devices, equipment, systems, or machinery for which an Installation Permit has been issued for the sole purpose of demonstrating or testing its potential for the emission of air contaminants.

(2) The provisions of this Subsection shall not apply to fuel-burning or combustion equipment of a net load rating of 200,000 BTU per hour or less; motor vehicles or other devices used for overland transportation; incinerators used exclusively for domestic purposes in buildings containing fewer than three dwelling units; or devices, equipment, machinery, or other sources of air contaminants for which a variance has been obtained under the provisions of this Article and which are subject to the requirements for Variance Operating Permits.

(3) Applications for Operating Permits shall be made on forms prepared by the Director for such purpose. The application forms may call for such information as the Director may require to determine whether the permit should be issued. Applications shall be accompanied by the required fee as determined from Schedule II.

(4) The Director shall reject any application for an Operating Permit if he finds that:

    (1) The operating of the source of air contaminants will result in emissions which are in excess of amounts allowed by this Article; or where no standards have been prescribed by this Article, the Director finds that methods to prevent or control air contaminants are not being utilized, or

    (2) The operation of the installation would prevent the attainment and maintenance of any ambient air quality standard defined in this Article, or

    (3) For new sources, the operation does not utilize the best obtainable technology to control the emission of air contaminants from the source, or does not meet standards for new sources or sources of hazardous air contaminants prescribed by the Commonwealth of Pennsylvania or by the Administrator of the Environmental Protection Agency

pursuant to the Clean Air Act, or

(4) The information required by the Director on the application has not been supplied or is not adequate to permit evaluation of the permit application.

(5) Operating Permits issued hereunder may be subject to such terms and conditions as the Director may require. To insure the continued compliance with the standards of this Article, the Director may require that Operating Permits include: requirements for continued maintenance, alternate operational or control plans designed to bring about a reduction of air contaminants on an interim basis in compliance with Section 1813, provisions to equip the source of air contaminants with adequate facilities to monitor and record the emissions of air contaminants, and any operating conditions that may affect the emissions of air contaminants.

(6) Operating Permits issued prior to the effective date of this Article shall remain in effect until December 31, 1972. In no event, however, shall the provisions hereunder applicable to Operating Permits prevent revocation of a permit for the reasons specified hereunder or exempt the permit holder from any of the provisions of this Article. Operating Permits issued after December 31, 1972 shall be valid during that calendar year of its issuance, unless revoked pursuant to the provisions set forth hereunder.

(7) Operating Permits shall be renewed annually upon payment of the required fee set forth in Schedule II and a finding by the Director that:

(1) All of the terms and conditions of the Operating Permit are being complied with, and

(2) All of the provisions of this Article are being complied with.

(8) The Director may revoke a permit at any time, whenever:

(1) Any of the terms and conditions of permit have been violated, or

(2) Any provision of this Article has been violated, or

(3) Air pollution control equipment installed under the conditions of the permit has not been maintained in good condition, or

(4) The Director has been denied access pursuant to a lawful inspection to any premises upon which the subject equipment is located.

D. Variance Operating Permit

(1) No person shall operate any device, system, machine, equipment, or other source of air contaminants for which a variance has been applied for, unless such person has obtained a Variance Operating Permit.

(2) Applications for Variance Operating Permits shall be made on forms prepared by the Director. The application forms may call for such information as the Director may require. An Application for a Variance Operating Permit must be received within five (5) days after the filing of the petition for a variance. The application shall be accompanied by the required fee as determined from Schedule III.

(3) The Director shall reject any application for a Variance Operating Permit if he finds that no petition for a variance has been filed.

(4) Variance Operating Permits shall be valid for one year, or until such time as the Board denies a variance petition, or in the event a variance is granted, until such variance expires or is revoked, whichever of the above occurs soonest.

(5) Variance Operating Permits shall be renewed annually by the payment of the required fee set forth in Schedule III, provided that the Director finds that:

    (1) The petition for variance has not yet been decided upon, or

    (2) That a granted variance is still in effect.

(6) The Director may revoke any Variance Operating Permit at any time he finds that the terms of the variance are not being complied with.

E. Receipt of an Installation or Operating Permit shall not exempt any person from complying with any provisions of this Article, nor shall it exempt any person from prosecution for violations of this Article, nor shall it connote certification of compliance.

F. Whenever any application for an Installation, Operating, or Variance Operating Permit is rejected, or any Installation, Operating or Variance Operating Permit is revoked, the Director shall notify the person involved in writing setting forth the reasons. Any person aggrieved by the rejection or revocation of any permit application or permit shall be entitled to an administrative hearing pursuant to the provisions of Article XI of the Rules and Regulations of the Allegheny County Health Department.

G. Installation, Operating, or Variance Operating Permits may not be transferred from one person to another, and are valid only for the specific source of air contaminants for which they are issued.

.2 Fees

A. The Director may not issue any Installation, Operating, or Variance Operating Permit, except for temporary operation, unless he has received the fee, in cash or a certified check payable to the Treasurer of Allegheny County, in accordance with the schedules herein.

B. In the case of fuel-burning or combustion equipment, rating or rated capacity shall be used to calculate the fee. Fees shall be required for each individual piece of fuel-burning or combustion equipment.

C. In the case of process equipment, for processes listed in Table I, the tons per hour is to be calculated on the basis of product, feed, material handled, or other denominator of the Process Factor. In the case of process equipment, for processes not listed in Table I, tons per hour is calculated on the weight of the product. Fees shall be required for each individual piece of process equipment.

SCHEDULE I - INSTALLATION PERMITS

Fuel-burning or Combustion Equipment

200,000 BTU per hour to 1 million BTU per hour or less	$ 5.00
1 million BTU per hour to 5 million BTU per hour or less	10.00
5 million BTU per hour to 10 million BTU per hour or less	15.00
10 million BTU per hour to 50 million BTU per hour or less	25.00
50 million BTU per hour to 100 million BTU per hour or less	50.00
100 million BTU per hour to 500 million BTU per hour or less	75.00
500 million BTU per hour to 1000 million BTU per hour or less	100.00
1000 million BTU per hour to 2000 million BTU per hour or less	125.00
2000 million BTU per hour to 3000 million BTU per hour or less	150.00
3000 million BTU per hour to 4000 million BTU per hour or less	200.00
Over 4000 million BTU per hour	300.00

Process Equipment

0 to 1 ton per hour	$ 25.00
1 to 10 tons per hour	75.00
10 to 100 tons per hour	150.00
Over 100 tons per hour	300.00

Incinerators

Domestic incinerators serving less than three (3) dwelling units	$ 5.00
Incinerators having less than 4 square feet of horizontal cross-sectional area in the primary combustion chamber	25.00
Incinerators having 4 square feet or more of horizontal cross-sectional area in the primary combustion chamber	50.00

Fees for Installation permits shall be deducted from the first annual Operating Permit fee.

SCHEDULE II - OPERATING PERMITS

Fuel-burning or Combustion Equipment

200,000 BTU per hour to 1 million BTU per hour or less	$ 5.00
1 million BTU per hour to 5 million BTU per hour or less	10.00
5 million BTU per hour to 10 million BTU per hour or less	15.00
10 million BTU per hour to 25 million BTU per hour or less	25.00
25 million BTU per hour to 50 million BTU per hour or less	50.00
50 million BTU per hour to 100 million BTU per hour or less	100.00
100 million BTU per hour to 500 million BTU per hour or less	200.00
500 million BTU per hour to 1000 million BTU per hour or less	300.00
1000 million BTU per hour to 2000 million BTU per hour or less	400.00

2000 million BTU per hour to 3000 million BTU per hour or less	$500.00
3000 million BTU per hour to 4000 million BTU per hour or less	600.00
Over 4000 million BTU per hour	700.00

Process Equipment

0 to 1 ton per hour	$ 20.00
1 to 10 tons per hour	100.00
10 to 100 tons per hour	200.00
Over 100 tons per hour	400.00

Incinerators

Domestic incinerators serving less than three (3) dwelling units	No fee
Incinerators having less than 4 square feet of horizontal cross-sectional area in the primary combustion chamber	$ 25.00
Incinerators having 4 square feet or more of horizontal cross-sectional area in the primary combustion chamber, per square foot of horizontal cross-sectional area of such horizontal cross-sectional area	10.00

SCHEDULE III - VARIANCE OPERATING PERMITS

Fuel-burning or Combustion Equipment

200,000 BTU per hour to 1 million BTU per hour or less	$ 7.00
1 million BTU per hour to 5 million BTU per hour or less	15.00
5 million BTU per hour to 10 million BTU per hour or less	22.00

10 million BTU per hour to 25 million BTU per hour or less	$ 37.00
25 million BTU per hour to 50 million BTU per hour or less	75.00
50 million BTU per hour to 100 million BTU per hour or less	150.00
100 million BTU per hour to 500 million BTU per hour or less	300.00
500 million BTU per hour to 1000 million BTU per hour or less	400.00
1000 million BTU per hour to 2000 million BTU per hour or less	500.00
2000 million BTU per hour to 3000 million BTU per hour or less	600.00
3000 million BTU per hour to 4000 million BTU per hour or less	750.00
Over 4000 million BTU per hour	900.00

Process Equipment

0 to 1 ton per hour	$ 30.00
1 to 10 tons per hour	150.00
10 to 100 tons per hour	300.00
Over 100 tons per hour	600.00

Incinerators

Domestic incinerators serving less than three (3) dwelling units	No fee
Incinerators having less than 4 square feet of horizontal cross-sectional area in the primary combustion chamber	$ 37.00
Incinerators having 4 square feet or more of horizontal cross-sectional area in the primary combustion chamber, per square foot of horizontal cross-sectional area of such horizontal cross-sectional area	15.00

(7.0) 1816 SHUTDOWN OR BREAKDOWN OF EQUIPMENT

.1 Shutdown

In the event of shutdown of any air pollution control device for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Director, and his approval obtained, at least 24 hours prior to the planned shutdown. Such prior report shall include:

(1) Identification of the specific device to be taken out of service as well as its location and permit number

(2) The expected length of time that the device will be out of service

(3) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period

(4) Measures, such as the use of extra labor and equipment, that will be taken to minimize the length of the shutdown period

(5) The reasons that it will be impossible or impractical to shut down the source of air contaminants during the shutdown period

(6) Other information required by the Director.

.2 Breakdown

A. In the event that any air pollution control device or related facility breaks down in such a manner as to cause the emission of air contaminants in violation of this Article, the person responsible for such device shall immediately notify the Director of such failure or breakdown and provide a written statement giving all the pertinent facts, including the estimated duration of the breakdown. The Director shall be notified when the condition causing the failure or breakdown has been corrected and the device is again in operation.

B. In no case shall the reporting of a breakdown prevent the prosecution for any violation of this Article.

.3 Cold Start

In the event that any person intends to perform a cold start on any fuel-burning or combustion equipment, such intent shall be reported to the Director at least 24 hours prior to the planned cold start. Such report shall include the expected time and duration of the startup.

(16.0) 1817 PENALTIES

.1 Summary Offenses

Any person who violates any of the provisions of this Article or any rule or regulation of the Allegheny County Department of Health or who interferes with the Director or any other agent of the Department of Health in the discharge of his official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty ($30) dollars nor more than three hundred ($300) dollars and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

.2 Misdemeanors

Any person who violates any of the provisions of this Article or any rule or regulation of the County Department of Health or who interferes with the Health Director or any other agent of the Department of Health in the discharge of his official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred ($500) dollars nor more than one thousand ($1,000) dollars or to undergo imprisonment not exceeding one (1) year, or both.

.3 Separate Offenses

For the purpose of this Section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.

.4 Other Remedies

The remedies prescribed by this Article shall be deemed concurrent, and the existence of or exercise of any remedy shall not prevent the Commissioner of the Director from exercising any other remedy they may have at law or in equity.

(50.7) 1818 NUISANCES

Any violation of any section of this Article shall constitute a nuisance.

(2.0) 1819 APPLICATION FOR INJUNCTIVE RELIEF

In addition to any other remedies provided for in this Article, the Board of Health or the Director may request the Board of County Commissioners to petition the Allegheny County Court of Common Pleas for an injunction to restrain any violation of this Article.

(2.0) 1820 OTHER RIGHTS AND REMEDIES PRESERVED

Nothing in this Article shall be construed as impairing any right or remedy, now or hereafter existing in equity or under common or statutory law, to abate private or public nuisances, nor shall the Court of Common Pleas of Allegheny County be deprived of such jurisdiction for the reason that such nuisance constitutes air pollution.

(2.0) 1821 SEVERABILITY CLAUSE

The provisions of this Article shall be severable. If any provision of this Article is found by a court of record to be unconstitutional or void, the remaining provisions of the Article shall, nevertheless, remain valid; unless the court finds the valid provisions of the Article are so essentially and inseparably connected with, and so depend upon, the void provision that it cannot be presumed that the Commissioners would have enacted the remaining valid provisions without the void ones, or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the Commissioners' intent.

(2.0) 1822 REPEALER

Article XVII, Rules and Regulations of the Allegheny County Health Department, effective January 1, 1970, is hereby repealed.

This article shall become effective on 1972.

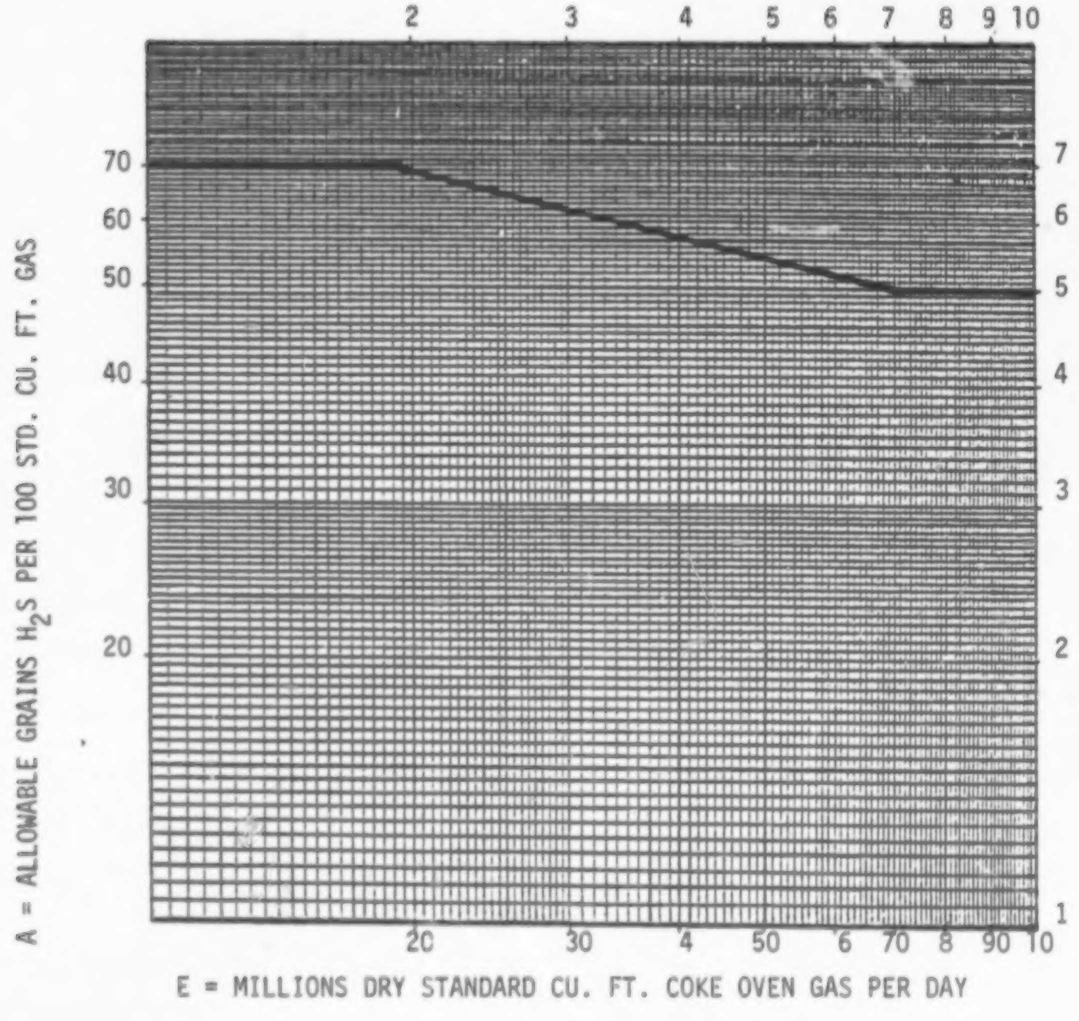
APPENDIX TO ARTICLE XVIII

Allowable Emission Graphs

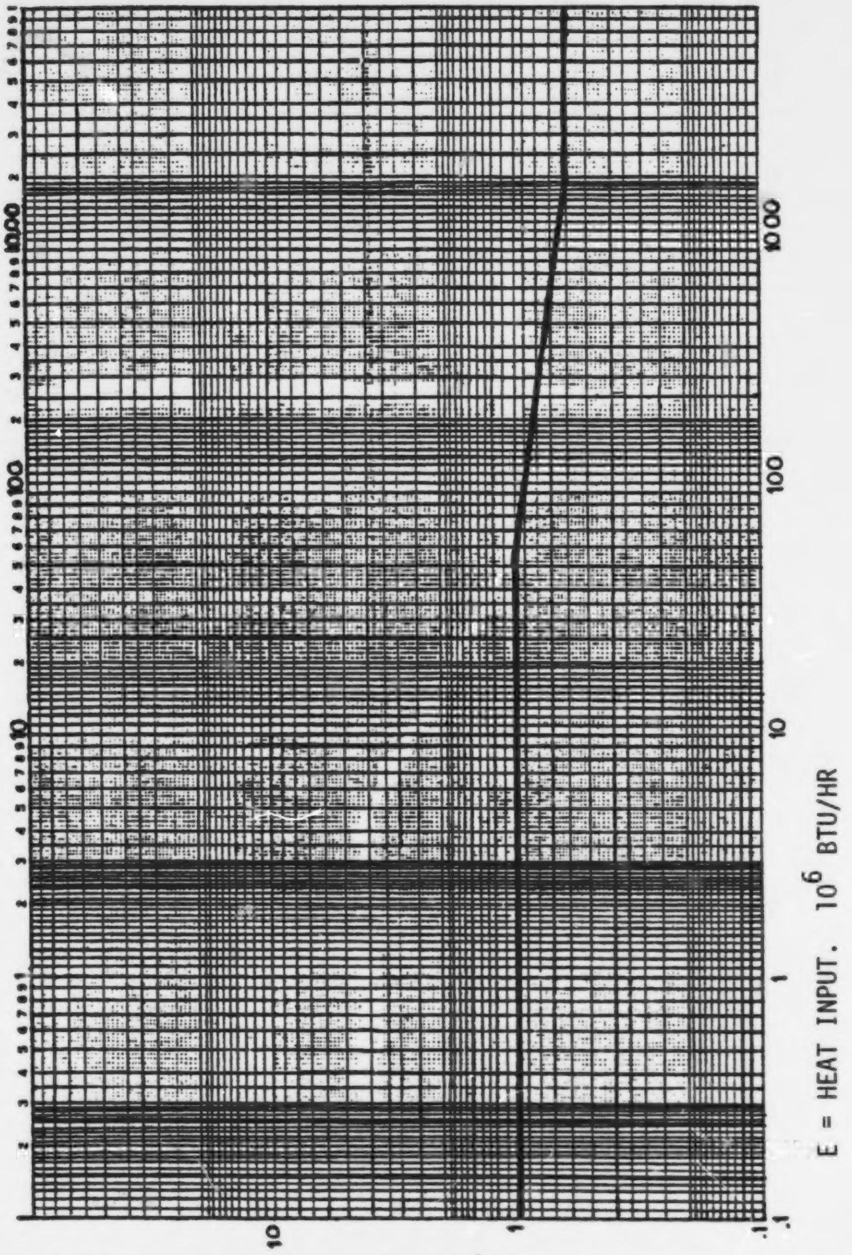
- Coke Oven Gas: Sulfur Compounds
- Sulfur Oxides: Fuel-Burning or Combustion Equipment
- Sulfur Oxides: Sulfur Recovery Plants
- Particulate Matter: Processes listed in Table I
- Particulate Matter: Fuel-Burning or Combustion Equipment

Table of Ambient Air Quality Standards

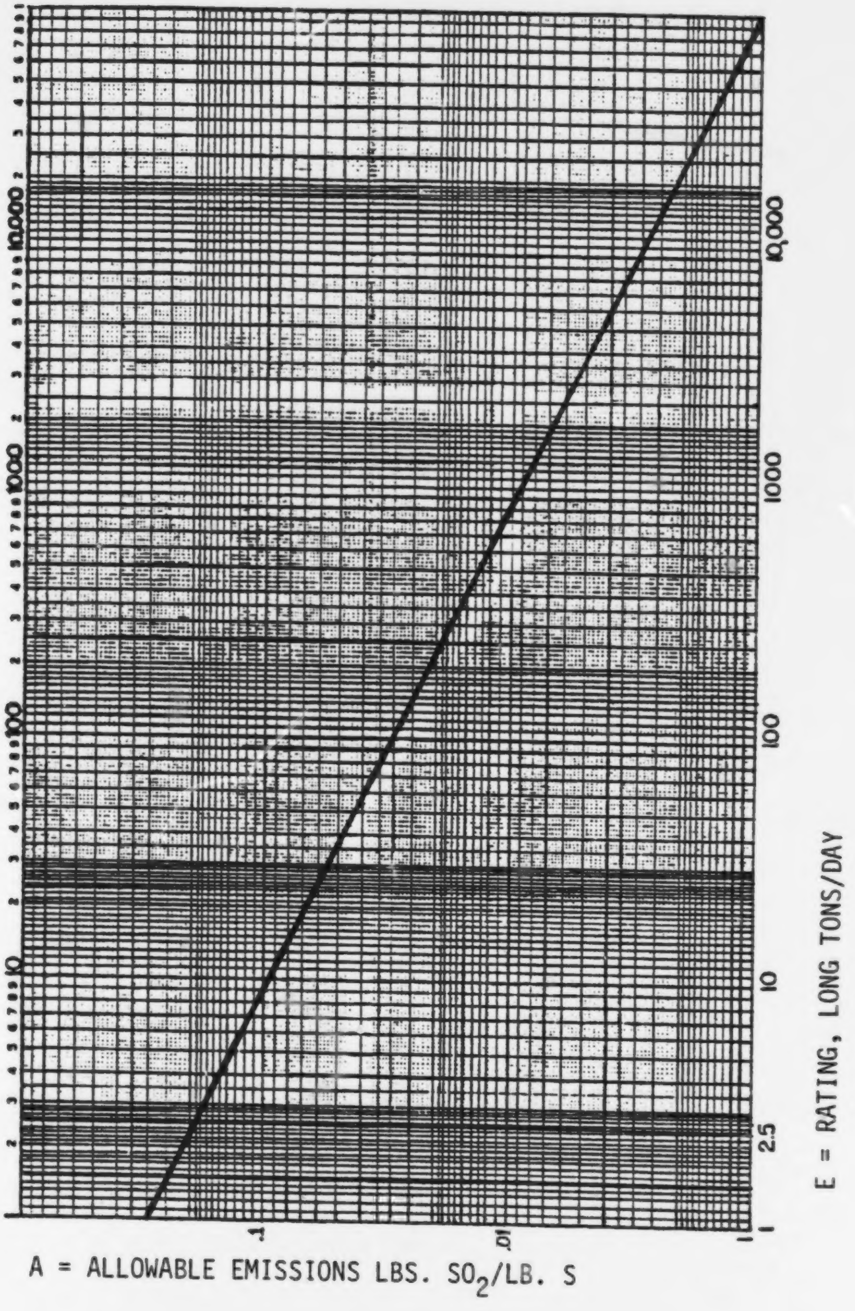
COKE OVEN GAS: SULFUR COMPOUNDS



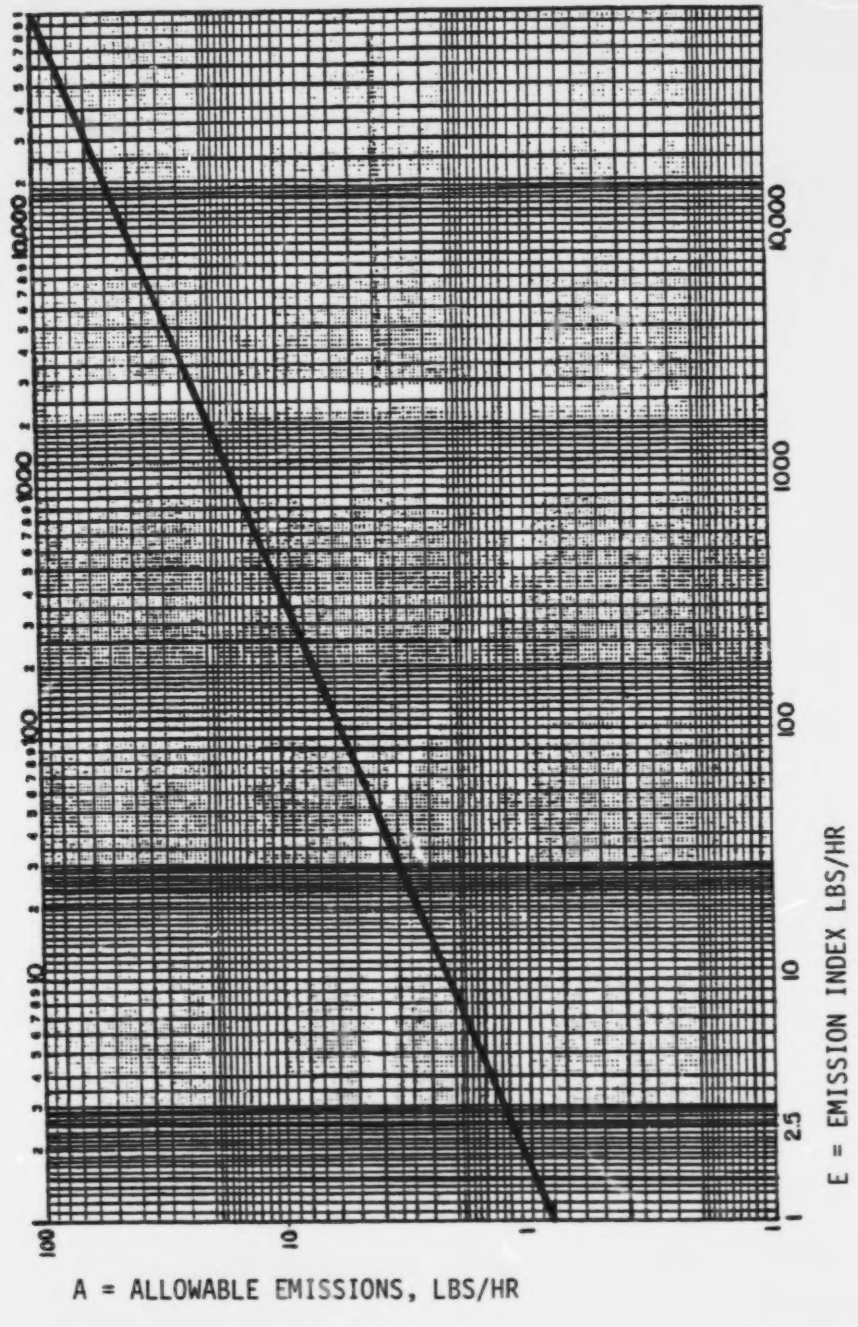
SULFUR OXIDES: FUEL-BURNING OR COMBUSTION EQUIPMENT



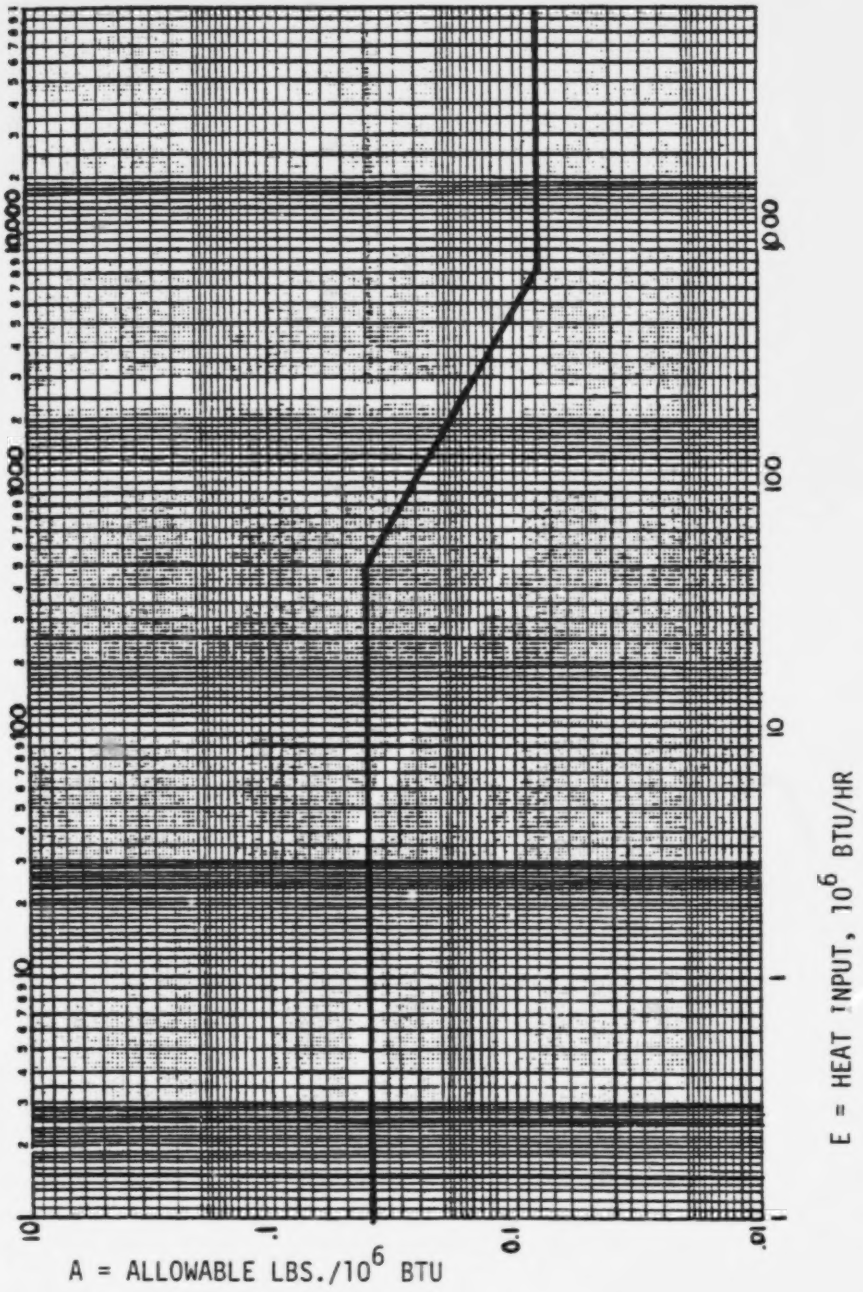
SULFUR OXIDES: SULFUR RECOVERY PLANTS



PARTICULATE MATTER: PROCESSES LISTED IN TABLE I



PARTICULATE MATTER: FUEL-BURNING OR COMBUSTION EQUIPMENT



AMBIENT AIR QUALITY STANDARDS

The following ambient air quality standards are incorporated in Article XVIII. Except where stated, these are maximum values in units of micrograms per cubic meter, not to be exceeded.

CONTAMINANT	CONCENTRATIONS AVERAGED OVER						
	1 yr.	30 days	24 hr.	8 hr.	4 hr.	3 hr.	1 hr.
Suspended Particulate Matter							
National Primary	75[a]		260[c]				
National Secondary	60[a]		150[c]				
Allegheny County					350		
Sulfur Oxides							
National Primary	80[b]		365[c]				
National Secondary	60[b]		260[c]			1300[c]	
Nitrogen Oxides							
National Primary & Secondary	100[b]						
Carbon Monoxide							
National Primary & Secondary				10,000[c]			40,000[c]
Photochemical Oxidants							
National Primary & Secondary							160[c]
Hydrocarbons							
National Primary & Secondary						160[c,d]	
Settled Particulates[e]	800[b]	1500					
Lead[e]		5					
Berryllium[e]		0.01					
Sulfates (as H_2SO_4)[e]		10	30				
Fluorides[e] (total soluble, as HF)		5					
Hydrogen Sulfide[e]			0.005 ppm				0.1 ppm

For conversion of standards for gaseous contaminants from ug/m^3 to ppm (dry volume) multiply ug/m^3 by (24.5 / 1000 x molecular weight).

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[a] geometric mean
[b] arithmetic mean
[c] not to be exceeded more than once a year
[d] only applicable 6 AM - 9 AM
[e] Commonwealth of Pennsylvania Standards, incorporated by reference in Article XVIII

FEDERALLY PROMULGATED
REGULATIONS

(14.0) 52.2024 Public Availability of Data

(b) Regulation for public availability of emission data

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(12.0) 52.2038 Inspection and maintenance

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline powered motor vehicle rated at 6,000 lb GVW (gross vehicle weight) or less.

(3) "Medium-duty vehicle" means a gasoline powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) All other terms used in this section which are defined in Appendix N to Part 51 of this chapter, are used herein with the meanings as defined.

(b) This section is applicable in the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR and in the Southwest Pennsylvania Intrastate AQCR.

(c) The Commonwealth of Pennsylvania shall submit to the Administrator, no later than February 1, 1974, a detailed compliance schedule showing the steps that will be taken to establish and enforce an inspection and maintenance program pursuant to paragraph (d) of this section. The compliance schedule shall include:

(1) The text of any statutory proposals and regulations that are needed to carry out the inspection/maintenance program.

(2) A detailed timetable describing the steps that must be taken (and the date by which such steps will be taken) to ensure the timely submittal of any needed legislation to the legislature and to ensure timely adoption of the regulations needed for paragraph (d) of this section.

(3) A signed statement by the chief executive of the Commonwealth identifying the sources and amounts of funding for the inspection/maintenance program. If funds cannot legally be obligated under existing statutory authority, the text of the needed legislation shall be submitted to the Administrator pursuant to paragraph (c)(1) of this section.

(d) The Commonwealth of Pennsylvania shall establish an inspection and maintenance program applicable to all light- and medium-duty vehicles subject to registration in Pennsylvania and registered to persons residing in any area defined in paragraph (b) of this section. No later than April 1, 1974, the Commonwealth of Pennsylvania shall submit legally adopted regulations to the Administrator establishing such a program. The Commonwealth may exempt any class or category of vehicles which the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles). The regulations shall include:

(1) Provisions for the inspection of all light- and medium-duty vehicles subject to this section at periodic intervals of no more than 1 year by means of an idle test. Such inspection must be performed within one of the AQCR's subject to this section.

(2) Provisions for inspection failure criteria consistent with average annual vehicular exhaust emissions reductions of 8 percent for carbon monoxide and 10 percent for hydrocarbons of the amounts that would have been emitted by vehicles subject to this section without the

program. These criteria shall include an initial failure rate of 30 percent.

(3) Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance above the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them no longer to comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.

(5) Designation of the agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(6) Provisions for beginning the first inspection cycle no later than May 1, 1975, and for completing it no later than April 30, 1976.

(7) Criteria and procedures for identifying, whether by specially marked license plates, registration cards, or otherwise, vehicles subject to the requirements of this section.

(e) After April 30, 1976, the Commonwealth of Pennsylvania shall now allow to operate on its streets and highways vehicles subject to this section which do not display a valid State sticker certifying compliance with the applicable standards and procedures of paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) After April 30, 1976, no owner of a vehicle subject to this section shall operate or allow to be operated a vehicle which does not display a valid State sticker certifying compliance with the applicable standards and procedures adopted pursuant to paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

(g) The requirements of this section shall apply to any vehicle registered to any person residing outside any area defined in paragraph (b) of this section if said vehicle is used primarily within any such area.

(12.0) 52.2039 Air bleed to intake manifold retrofit

(a) Definitions:

(1) "Air bleed to intake manifold retrofit" means a system or device (such as a modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased

air-fuel ratio so as to achieve reductions in exhaust emissions of hydrocarbons and carbon monoxide from 1967 and earlier light-duty vehicles of at least 21 percent and 58 percent, respectively.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb GVW (gross vehicle weight) or less.

(3) All other terms used in this section that are defined in Appendix N, to Part 51 of this Chapter, are used herein with the meanings so defined.

(b) This section is applicable in the Allegheny County portion of the Southwest Pennsylvania Intrastate AQCR and the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR.

(c) The Commonwealth of Pennsylvania shall establish a retrofit program to ensure that on or before June 1, 1976, all light-duty vehicles of model years prior to 1968, subject to registration in Pennsylvania and registered to persons residing in any area defined in paragraph (b) of this section, are equipped with an appropriate air bleed to intake manifold retrofit device. No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The Commonwealth may exempt any class or category of vehicles that the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles). The regulation shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) Provisions for beginning the installation of the air bleed devices by August 1, 1975, with installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) Procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(5) Criteria and procedures for identifying, whether by specially marked license plates, registration cards, or otherwise, vehicles subject to the requirements of this section.

(d) After June 1, 1976, the Commonwealth shall not register or allow to operate on its streets or highways any light-duty vehicle subject to this section which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After June 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(f) The Commonwealth of Pennsylvania shall submit to the Administrator no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including:

(1) The text of statutory proposals and regulations that the Commonwealth proposes for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which the Commonwealth will evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) The requirements of this section shall apply to any vehicle registered to any person residing outside any area defined in paragraph (b) of this section if said vehicle is used primarily within any such area.

(12.0) 52.2040 Management of parking supply

(a) Definitions:

(1) "Parking facility" (also called "facility") means a lot, garage, building, or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of lane, buildings, or structures, or portions thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of, or the motor vehicle activity associated with, such parking facility.

(5) "Commence" means to undertake a continuous program of on-site construction or modification.

(6) "Philadelphia CBD" means the area within the City of Philadelphia, Pennsylvania, bounded by, but not including, Vine Street, South Street, and Schuylkill River, and the Delaware River.

(b) This section is applicable in the Southwest Pennsylvania Intrastate AQCR and in the Philadelphia CBD of the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR.

(c) The requirements of this section are applicable to the following parking facilities in the areas specified in paragraph (b) of this section, the construction or modification of which is commenced after January 1, 1975.

(1) Any new parking facility with parking capacity for 50 or more motor vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 50 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under this section, but which, when all such increments occurring since January 1, 1975, are added together as a total, would subject the facility to review under this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided, that this paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before January 1, 1975.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or agency approved by him that:

(1) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan, and will be consistent with the plan's VMT reduction goals.

(2) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time with 10 years from the date of application.

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities that it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(g) The Administrator or agency approved by him may require an application to include the following information:

(1) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(2) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(3) An estimate of the average and peak hour vehicle trip generation rate before and after construction or modification of the facility.

(4) An estimate of the effect of the facility on traffic pattern and flow.

(5) An estimate of the effect of the facility on total VMT for the air quality control region.

(6) An analysis of the effect of the facility on total VMT for the air quality including a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(7) Additional information, plans, specifications, or documents required by the Administrator.

(h) All applications under this section, for new parking facilities with parking capacity for 250 or more vehicles, or for any modification which, either individually or together with modifications since January 1, 1975, will increase capacity by that amount, shall, in addition to that information required by paragraph (f) of this section, include the information required by paragraphs (g)(1) through (7) of this section unless the applicant has received a waiver from any provisions of such paragraph from the Administrator or agency approved by him.

(i) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with applicable rules, regulations, permit conditions, and the design submitted in the application.

(j) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the Region affected, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the affected air quality region.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

Note: The provisions of 52.2040 were suspended indefinitely at 40 FR 29714, July 15, 1975.

(12.0) 52.2041 Study and establishment of bikeways

(a) Definitions:

(1) "Philadelphia CBD" is defined as the area within the City of Philadelphia, Pennsylvania, bounded by, but not including Vine Street, South Street, the Schuylkill River, and the Delaware River.

(2) "Pittsburgh CBD" is defined as the area enclosed by the Allegheny River, the Monogahela River, and I-876. I-876 is not included.

(b) This section is applicable in the Southwest Pennsylvania Intrastate AQCR and in the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR (the Regions).

(c) The Commonwealth of Pennsylvania shall, according to the schedule set forth in paragraph (d) of this section, conduct a study of, and shall in that study recommend locations for exclusive bicycle lanes and bicycle parking facilities in the areas described in paragraph (b) of this section. The study shall be made with a view toward maximum safety and security. The study shall include consideration of the physical designs for such lanes and parking facilities, and of rules of the road for bicyclists and, to the extent that present rules must be modified because of bicycle lanes, new rules of the road for motorists. In conducting the study, opportunity shall be given for public comments and suggestions. The study shall recommend as large a network of new CBD-oriented commuter bicycle lanes and bicycle parking facilities as is practicable within the areas described in paragraph (b) of this section and shall recommend physical designs for said lanes and facilities. The networks shall contain at least 25 miles of exclusive bicycle lanes in each direction in the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR and shall contain at least 10 miles of such lanes in each direction within the Southwest Pennsylvania Intrastate AQCR.

(d) The Commonwealth of Pennsylvania shall submit to the Administrator no later than March 1, 1974, a detailed compliance schedule showing the steps that will be taken to carry out the study required by paragraph (c) of this section. The compliance schedule shall at a minimum include:

(1) Designation of the agency responsible for conducting the study.

(2) A date for initiation of the study, which date shall be no later than May 1, 1974.

(3) A date for completion of the study, and submittal thereof to the Administrator, which date shall be no later than March 1, 1975.

(4) A detailed timetable describing the steps that must be taken and when these steps will be taken to ensure the timely submittal of any legislation needed to generally authorize establishment of bikeways and parking facilities in Pennsylvania to the State legislature.

(e) On or before April 1, 1975, the Administrator shall submit to the Commonwealth of Pennsylvania his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the route and parking facility location and designs recommended in the study, or shall designate alternative and/or additional route and parking facility locations and designs.

(f) The Commonwealth of Pennsylvania, and such county and local jurisdictions as the Commonwealth shall request to participate in the establishment of the networks (the Commonwealth must request the participation of a county or local jurisdiction if the participation of that jurisdiction is necessary to the establishment of the lanes and other facilities required by this section) shall establish, according to the schedule set forth in the compliance schedule required by paragraph (g) of this section, bike lanes and parking facilities along the routes and in the locations approved or designated by the Administrator pursuant to paragraph (e) of this section.

(g) On or before June 1, 1975, the Commonwealth of Pennsylvania, and such county and local jurisdictions as the Commonwealth has requested to participate (and are, therefore, required to participate by paragraph (f) of this section) shall submit to the Administrator compliance schedules which shall show in detail the steps which each governmental entity will take to establish the bike lanes and parking facilities required by this section. The schedule must include as a minimum the following:

(1) Each lane and parking facility must be identified with a date set for its establishment.

(2) The design, security, and safety features of each lane and parking facility must be precisely described and shown to be in accord with the designs approved or designated by the Administrator pursuant to paragraph (e) of this section.

(3) A date must be set for the initiation of lane and parking construction, which date shall be no later than September 1, 1975.

(4) A date must be set for completion of 50 percent of lane and parking construction, which date shall be no later than February 1, 1976.

(5) A date must be set for completion of 100 percent of lane and parking construction, which date shall be no later than May 31, 1976.

(6) Designation must be made of the agencies responsible for guaranteeing the establishment of the lanes and facilities in accordance with the Administrator's response to the Commonwealth study.

(7) Signed statements of the chief executives of all jurisdictions involved in the establishment of the lanes and parking facilities required by this section, or their designees, must be submitted identifying the sources and amounts of funding for the programs required by this section, along with a timetable to ensure that proper funds will be available.

(h) No later than August 1, 1975, each governmental entity required by this section to establish bicycle lanes and/or parking facilities, shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(i) Notwithstanding paragraph (c) of this section, if prior to the completion and submittal of the study required by paragraph (c) of this section, the Commonwealth of Pennsylvania has good and reasonable cause, through public comment or otherwise, to believe that the maximum practicable network of bicycle lanes will be less than 25 miles, in each direction, in the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR, and/or less than 10 miles, in each direction, in the Southwest Pennsylvania Intrastate AQCR, the Commonwealth shall so notify the Administrator and shall obtain his concurrence or nonconcurrence, and shall conduct the remainder of the study to assure that the network of lanes shall be that mileage specified by the Administrator. Notice pursuant to this paragraph shall be given no later than the beginning of the ninth month of the study.

(12.0) 52.2042 Gasoline transfer vapor control

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Allegheny County portion of the Southwest Pennsylvania Intrastate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor

(2) If a "vapor-balance return" or "simple displacement" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) Within the Southwest Pennsylvania Intrastate AQCR, the vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this section will not be required to be retrofitted with a vapor return system until January 1, 1977.

(iv) Facilities which have a daily throughput of 20,000 gallons of gasoline or less are required to have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage containers served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also are required to meet the provisions of this section no later than May 31, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary container having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity of less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Every owner or operator of a stationary storage container or delivery vessel subject to this section shall comply with the following compliance schedule:

(1) June 1, 1974. Submit to the Administrator a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) March 1, 1795 (Sic). Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emissions control.

(3) May 1, 1975. Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976. Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976. Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by June 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification to the Administrator within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this section that installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976, and prior to that date shall comply with paragraph (e) as far as possible. Any facility subject to this section that installs a storage tank after

March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

(12.0) 52.2043 Computer carpool matching system

(a) Definitions:

(1) "Carpool" means two or more persons utilizing the same vehicle.

(2) "Carpool matching" means assembling lists of commuters sharing similar travel needs and providing a mechanism by which persons on such lists may be put in contact with each other for the purpose of forming carpools.

(3) "Time-origin-destination (TOD) information" means information that identifies a commuters' work schedule, home and work location, or the location of other desired origins and destinations of trips (such as shopping or recreational trips).

(4) "Pilot program" means a program that is initiated on a limited basis for the purpose of facilitating a future full scale regional program.

(b) This section is applicable in the Southwest Pennsylvania Intrastate AQCR and in the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR (the Regions).

(c) Beginning June 1, 1975, the Commonwealth of Pennsylvania shall, unless exempted by the Administrator on the basis of a finding that equivalent service is being or will be provided by some other public or private entity, establish a computer-aided carpool matching system which is conveniently available at least to all employees or employers within the Regions who employ 100 or more employees. The system shall, as soon as practicable, be made available to employees of smaller employers. No later than June 1, 1974, the Commonwealth of Pennsylvania shall submit to the Administrator, a program, legally adopted (through regulation or statute) by and legally binding on the Commonwealth, providing for such a system. The program shall include:

(1) A method of collecting information that will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form with a cover letter describing the matching program.

(ii) Provisions on each application for applicant identification of his TOD information, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in each of the Regions and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service so that the master list of all applicants is retained and available for use by new applicants, applications are currently available, and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing and maintaining the carpool computer matching system.

(d) No later than January 1, 1975, a pilot program shall be initiated in each Region identified in paragraph (b) of this section in preparation for the full implementation required under paragraph (c) of this section.

(12.0) 52.2044 Pennsylvania-New Jersey busways

(a) Any governmental entity, including the Delaware River Port Authority, having ownership or control over all or any portion of the following streets and highways, including the Benjamin Franklin Toll Bridge, shall take all action necessary to establish by August 1, 1974, the lanes indicated below during the times indicated below, as lanes exclusively for use by buses:

(1) One continuous lane which extends from the New Jersey entrance onto the Benjamin Franklin Toll Bridge along said bridge to Vine Street, along Vine Street to Sixth Street, along Sixth Street to Market Street, and along Market Street to Philadelphia City Hall, shall be so reserved to serve buses bound into the City of Philadelphia from 6:30 a.m. to 9:30 a.m., Monday through Saturday.

(2) One continuous lane which extends along Market Street from Sixth Street to Juniper Street, the exclusive lane terminating briefly to allow blending of all traffic around Philadelphia City Hall, the exclusive lane beginning again on Broad Street at the intersection of John F. Kennedy Boulevard and Broad Street and extending along Broad Street to Vine Street, along Vine Street to the Benjamin Franklin Toll Bridge, along said bridge to the exit from the bridge into New Jersey shall be so reserved to serve buses bound out of the City of Philadelphia from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(b) Each affected governmental entity, including the Delaware River Port Authority, shall coordinate the lanes required by paragraph (a) of this section with any exclusive bus lanes established or to be established by the State of New Jersey and any appropriate local government therein, on the New Jersey approaches to the Benjamin Franklin Toll Bridge.

(c) Each governmental entity, including the Delaware River Port Authority, required by paragraph (a) of this section to establish exclusive bus lanes, shall submit to the Administrator no later than March 1, 1974, a compliance schedule which shall show in detail the steps which it will take to establish the bus lanes provided for by this section, and to enforce the limitations on their use. In the compliance schedule submitted pursuant to this paragraph, a governmental entity, including the Delaware River Port Authority, may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(d) Exclusive bus lanes must be prominently indicated by distinctive painted lines, pylons, signs, or physical barriers. All lanes must be established and needed signs must be installed by August 1, 1974.

(e) A signed statement by the chief executive of each governmental entity subject to this section (including the chief executive of the Delaware River Port Authority) or their designee shall be submitted to the Administrator no later than March 1, 1974, to identify the sources and amounts of funds for all projects required by this section.

(f) No later than May 1, 1974, each governmental entity, subject to this section, including the Delaware River Port Authority, shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(12.0) 52.2045 Roosevelt Boulevard busway between Grant Avenue and Hunting Park

(a) This section is applicable in the City of Philadelphia which is a segment of the Pennsylvania portion of the Metropolitan Philadelphia Intrastate AQCR.

(b) Each governmental entity having ownership or control over Roosevelt Boulevard between Grant Avenue and the Hunting Park exit shall by December 1, 1974, take all actions necessary to reserve the outside (right) lane of the inside set of three lanes, on both the northbound and southbound sides of such boulevard, for the exclusive use of buses at all times.

(c) Each governmental entity required to take action under paragraph (b) of this section shall submit to the Administrator no later than March 1, 1974, a compliance schedule which shall show in detail the steps which it will take to establish the bus lanes provided for by this section and to enforce the limitations on their use. In the compliance schedule submitted pursuant to this paragraph, a governmental entity may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(d) Exclusive bus lanes must be prominently indicated by distinctive painted lines, pylons, signs, or physical barriers. All lanes must be established and needed signs must be installed by December 1, 1974.

(e) A signed statement by the chief executive of each governmental entity required to take action under paragraph (b) of this section or their designees shall be submitted to the Administrator no later than March 1, 1974, to identify the sources and amounts of funds for all projects required by this section.

(f) No later than June 1, 1974, each governmental entity subject to this section shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(12.0) 52.2046 Central business districts bus and trolley ways and parking restrictions

(a) "Philadelphia CBD" is defined as the area within the City of Philadelphia bounded by but not including Vine Street, South Street, the Schuylkill River, and the Delaware River.

(b) Within the Philadelphia CBD, each governmental entity having ownership or control over the following streets and highways shall reserve the following lanes thereon, at the time indicated, exclusively for use by buses:

(1) The right lane of Chestnut Street from 22nd Street through 6th Street shall be so reserved from 9 a.m. to 6 p.m. Monday through Saturday.

(2) The right lane of Walnut Street from 8th Street through 23rd Street shall be so reserved from 8 a.m. to 6 p.m., Monday through Saturday.

(3) The right lane of eastbound Market Street from Juniper Street through 6th Street shall be so reserved from 8 a.m. to 6 p.m., Monday through Saturday.

(4) The right lane of 8th Street, 9th Street, 16th Street, and 17th Street between Vine and South Streets shall be so reserved from 8 a.m. to 6 p.m., Monday through Saturday.

(c) Each governmental entity required to establish exclusive bus lanes by paragraph (b) of this section, shall ensure:

(1) That in the center lane of all streets on which exclusive bus lanes are established pursuant to paragraph (b) of this section the flow of traffic is not obstructed by stopped or parked vehicles, or otherwise at any time, and that in the left lane of such streets the flow of traffic is not obstructed by stopped or parked vehicles, or otherwise, from 11 a.m. to 6 p.m., Monday through Saturday.

(2) That the left lane of all streets along which exclusive bus lanes are established pursuant to paragraph (d) of this section is available for taxi, carpool, and truck loading and unloading from 6 p.m. until 11 a.m. the following morning. Short-term parking (no more than 2 hours) may also be permitted during these hours.

(d) Within the Philadelphia CBD, each governmental entity having ownership or control over the center lanes of 11th Street and 12th Street between Vine and South Streets shall reserve such lanes for the exclusive use of trolleys at all times.

(e) Each governmental entity required to establish exclusive trolley lanes by paragraph (d) of this section shall ensure:

(1) That in the left lane of streets on which exclusive trolley lanes are established pursuant to paragraph (d) of this section the flow of traffic is not obstructed by stopped or parked vehicles, or otherwise at any time, and that in the right lane of such streets the flow of traffic is not obstructed by stopped or parked vehicles or otherwise from 11 a.m. to 6 p.m.

(2) That the right lane of streets along which exclusive trolley lanes are established pursuant to paragraph (d) of this section is available for taxi, carpool, and truck loading and unloading from 6 p.m. until 11 a.m. the following morning. Short-term parking (no more than two hours) may also be permitted during these hours.

(f) The City of Philadelphia shall prohibit the obstruction of the flow of traffic by stopped or parked vehicles on Filbert Street between Broad Street and 6th Street from 8 a.m. to 6 p.m., Monday through Saturday and shall also prohibit the loading and unloading of any vehicle on said street except during periods of low traffic density as are designated by the City of Philadelphia and approved by the Administrator.

(g) Each governmental entity required to take action under any paragraph of this section shall submit to the Administrator no later than March 1, 1974, a compliance schedule which shall show in detail the steps which that entity will take to establish the bus and trolley lanes provided for by this section, and to enforce the limitations on their use, and which shall also show the steps the entity will take to establish and enforce all parking and loading/unloading restrictions provided for by this section. The schedule shall show the dates for institution of the parking and loading/unloading restrictions provided for by this section. Such date for restrictions along any particular street shall not be later than the date set for the establishment of the exclusive lane on that street. The date for institution of the restrictions along Filbert Street shall not be later than August 1, 1974. In the compliance schedule submitted pursuant to this paragraph, a governmental entity may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(h) Exclusive bus and exclusive trolley lanes, no parking-no standing zones, and no loading-no unloading zones must be prominently indicated by distinctive painted lines, pylons, signs, or physical barriers. Fifty percent of the lanes must be established and needed signs must be installed by August 1, 1974; 100 percent established by January 1, 1975.

(i) Each governmental entity subject to this section shall provide that any vehicle stopped or parked in violation of any restriction imposed by this section shall be towed away and the owner shall be fined not less than $50 per violation.

(j) A signed statement by the chief executive of each governmental entity subject to this section or their designees shall be submitted to the Administrator not later than March 1, 1974, to identify the sources and amounts of funds for all projects required by this section.

(k) No later than May 1, 1974, each governmental entity subject to this section shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(12.0) 52.2047 Exclusive busways in Philadelphia outside the CBD

(a) This section is applicable in the City of Philadelphia which is a segment of the Pennsylvania portion of the Metropolitan Philadelphia Intrastate AQCR.

(b) Each governmental entity having ownership or control over the following streets and highways, or any portion thereof, shall take all action necessary to establish the lanes indicated below during the times indicated below, as lanes exclusively for use by buses or trolleys (as indicated). Lanes must be established in accordance with the schedule set forth in paragraph (d) of this section.

(1) One lane in each direction on Girard Avenue between Norris Street and 23rd Street shall be so reserved for trolleys from 6:30 a.m. to 9:30 p.m., Monday through Saturday.

(2) One lane in each direction on Erie Avenue between Kensington Avenue and 23rd Street shall be so reserved for trolleys from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(3) One lane in each direction on Allegheny Avenue between Richmond Avenue and 35th Street shall be so reserved for trolleys from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(4) One lane on Woodland Avenue to serve trolleys traveling from 45th Street to 38th Street shall be so reserved from 6:30 a.m. to 9:30 a.m., Monday through Saturday, and one lane on Woodland Avenue to serve trolleys traveling from 38th Street to 45th Street shall be so reserved from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(5) One lane in each direction on Oregon Avenue between Vare Avenue and 20th Street (for westbound transit) and 19th Street (for eastbound transit) shall be so reserved for buses from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(6) One lane in each direction on Spring Garden Street between Front Street and the Art Museum Circle shall be so reserved for buses from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(7) One lane in each direction on Columbia Avenue between 33rd Street and 7th Street (eastbound transit) and 6th Street (for westbound transit) shall be so reserved for buses from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(8) One lane in each direction on Lehigh Avenue between Kensington Avenue and 34th Street shall be so reserved for buses from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(9) One lane on Ogontz Avenue to serve trolleys traveling from Cheltenham Avenue to Champlost Avenue shall be so reserved from 6:30 a.m. to 9:30 a.m., and one lane on Ogontz Avenue to serve trolleys traveling from Champlost Avenue to Cheltenham Avenue shall be so reserved from 3:30 p.m. to 6:30 p.m., Monday through Saturday.

(c) Each governmental entity required to take action under paragraph (b) of this section shall submit to the Administrator no later than April 1, 1974, compliance schedules which shall show in detail the steps which each such governmental entity will take to establish the trolley and bus lanes provided for by this section, and to enforce the limitations or their use. In the compliance schedule submitted pursuant to this paragraph, a governmental entity may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(d) Exclusive trolley and bus lanes must be prominently indicated by distinctive painted lines, pylons, signs, or physical barriers. Fifty percent of the lanes must be established and needed signs must be installed by August 1, 1974; 100 percent must be established by January 1, 1975.

(e) A signed statement by the chief executive of each governmental entity required to take action under paragraph (b) of this section, or his designee, shall by submitted to the Administrator no later than April 1, 1974, to identify the sources and amounts of funds for all projects required by this section.

(f) No later than June 1, 1974, each governmental entity subject to this section shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(12.0) 52.2048 Exclusive bus lanes for Philadelphia suburbs and outlying areas

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway, which lane is open only to buses (or buses and carpools), whether constructed, especially for that purpose or converted from existing lanes.

(3) "Philadelphia CBD" means the area within the City of Philadelphia, Pennsylvania, bounded by but not including Vine Street, South Street, the Schuylkill River, and the Delaware River.

(b) The Commonwealth of Pennsylvania and such county and local jurisdictions as the Commonwealth may request to participate (the Commonwealth must request the participation of a county or local jurisdiction by December 15, 1974, if the participation of that jurisdiction is necessary to the establishment of the lanes required by this section), shall establish, according to the schedule in paragraph (f) of this section, bus/carpool lanes along corridors connecting at least the following suburban or outlying areas (or alternative areas if indicated in the study required by paragraph (c) of this section and approved by the Administrator) to the Philadelphia CBD:

(1) King of Prussia, Pennsylvania,

(2) Chester, Pennsylvania,

(3) Paoli, Pennsylvania,

(4) Media, Pennsylvania,

(5) West Chester, Pennsylvania, and

(6) Tacony section, Philadelphia, Pennsylvania and adjacent areas.

For each route either approved or designated by the Administrator pursuant to paragraph (d) of this section, at least one bus/carpool lane shall be established to serve traffic traveling toward the Philadelphia CBD from 6:30 a.m. to 9:30 a.m. (or for a longer time), and at least one bus/carpool lane shall be established to serve traffic traveling toward the suburban or outlying areas from 3:30 p.m. to 6:30 p.m. (or for a longer time), Monday through Saturday.

(c) On or before November 1, 1974, the Commonwealth of Pennsylvania shall submit to the Administrator a study which shall contain for each of the corridors described in paragraph (b) of this section a detailed analysis showing every specific route location considered by the Commonwealth for that corridor. The study shall designate one of the specific routes examined for each corridor as the most practicable route for that corridor.

The study shall fully present the advantages and disadvantages of establishing the bus/carpool lanes provided for in paragraph (b) of this section along the most practicable route. For any corridor identified in this section along which the Commonwealth concludes that bus/carpool lanes are not feasible, the Commonwealth shall designate a replacement corridor connecting the Philadelphia CBD and another significant source of CBD-bound traffic along which bus/carpool lanes are feasible. An analysis of the substituted corridor shall be included, similar to the analysis of the original corridor, to show the most practicable route for said bus/carpool lanes.

(d) On or before December 1, 1974, the Administrator shall submit to the Commonwealth of Pennsylvania his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the routes selected by the Commonwealth as the most practicable and feasible for bus/carpool lanes, or shall designate alternative routes on which bus/carpool lanes must be established.

(e) On or before February 1, 1975, the Commonwealth of Pennsylvania and such county and local jurisdictions as the Commonwealth has requested to participate (and as are, therefore, required by paragraph (b) of this section to establish lanes), shall submit to the Administrator compliance schedules which shall show in detail the steps which each governmental entity will take to establish the bus/carpool lanes required by this section, and to enforce the limitations on their use. In the compliance schedule submitted pursuant to this paragraph a governmental entity may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(f) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, signs or physical barriers. Twenty-five percent of the lane mileage for each of the governmental entities must be established and the needed signs installed by July 1, 1975; 50 percent established by October 1, 1975; and 100 percent established by January 1, 1976.

(g) A signed statement by the chief executive of each governmental entity establishing lanes, or his designee, shall be submitted to the Administrator no later than February 1, 1975, to identify the sources and amount of funds for all projects required by this section.

(h) No later than April 1, 1975, each governmental entity required by this section to establish lanes shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(12.0) 52.2049 Specific express busways in Allegheny County

(a) This section is applicable in the Allegheny County portion of the Southwest

Pennsylvania Intrastate AQCR.

(b) Each governmental entity having ownership or control over the following streets and highways, or any portion thereof, shall take all action necessary to establish the lanes indicated below, during the times indicated below, as lanes exclusively for use by buses. Lanes must be established in accordance with the schedule set forth in paragraph (d) of this section.

(1) One lane in each direction of Fifth Avenue in the City of Pittsburgh between Grant Street and Liberty Avenue shall be so reserved from 6 a.m. to 7 p.m., Monday through Saturday.

(2) One lane of Fifth Avenue in the City of Pittsburgh to serve buses traveling from Jumonville Street to Neville Street shall be so reserved 24 hours per day, Monday through Saturday.

(3) One lane of Liberty Avenue in the City of Pittsburgh to serve buses traveling from Grant Street to 32nd Street shall be so reserved from 4:30 p.m. to 6:30 p.m., Monday through Saturday.

(4) One lane of Stanwix Street in the City of Pittsburgh to serve buses traveling from Liberty Avenue to the Boulevard of the Allies shall be so reserved from 4:30 p.m. to 6:30 p.m., Monday through Saturday.

(5) One lane of Centre Avenue in the City of Pittsburgh to serve buses traveling from Penn Circle to Craig Street shall be so reserved from 6 a.m. to 9 a.m., Monday through Saturday.

(6) One lane of Centre Avenue in the City of Pittsburgh to serve buses traveling from Craig Street to Penn Circle shall be so reserved from 4:30 p.m. to 6:30 p.m., Monday through Saturday.

(7) One lane of the Penn Lincoln Parkway to serve buses traveling from the Greentree entrance to the Saw Mill Run exit shall be so reserved from 6 a.m. to 9 a.m., Monday through Saturday.

(8) One lane of the Penn Lincoln Parkway to serve buses traveling from the Saw Mill Run entrance to the Greentree exit shall be so reserved from 4:30 p.m. to 6:30 p.m., Monday through Saturday.

(9) One lane of the Penn Lincoln Parkway to serve buses traveling from the Squirrel Hill entrance to the Boulevard of the Allies exit shall be so reserved from 6 a.m. to 9 a.m., Monday through Saturday.

(10) One lane of the Penn Lincoln Parkway to serve buses traveling from the Boulevard of the Allies entrance to the Squirrel Hill exit shall be so reserved from 4:30 p.m. to 6:30 p.m., Monday through Saturday.

(11) One lane of the Fort Pitt Bridge to serve buses traveling from Point Park shall be so reserved from 4:30 p.m. to 6:30 p.m., Monday through Saturday.

(c) Each governmental entity required to take action under paragraph (b) of this section shall submit to the Administrator no later than April 1, 1974, compliance schedules which shall show in detail the steps which each such governmental entity will take to establish the bus lanes provided for by this section, and to enforce the limitations on their use. In the compliance schedule submitted pursuant to this paragraph a governmental entity may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(d) Exclusive bus lanes must be prominently indicated by distinctive painted lines, pylons, signs, or physical barriers. Fifty percent of the lanes must be established and needed signs must be installed by August 1, 1974; 100 percent must be established by January 1, 1975.

(e) A signed statement by the chief executive of each governmental entity required to take action under paragraph (b) of this section, or his designee, shall be submitted to the Administrator no later than April 1, 1974, to identify the sources and amounts of funds for all projects required by this section.

(f) No later than June 1, 1974, each governmental entity subject to this section shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(12.0) 52.2050 Exclusive bus lanes for Pittsburgh suburbs and outlying areas

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway, which lane is open only to buses (or buses and carpools), whether constructed especially for that purpose or converted from existing lanes.

(3) "Pittsburgh CBD" means the area enclosed by the Allegheny River, the Monongahela River, and I-876. I-876 is not included.

(b) The Commonwealth of Pennsylvania and such county and local jurisdictions as the Commonwealth may request to participate (the Commonwealth must request the participation of a county or local jurisdiction by December 15, 1974, if the participation of that jurisdiction is necessary to the establishment of the lanes required by this section) shall establish, according to the schedule in paragraph (f) of this section, bus/carpool lanes along corridors connecting at least the following suburban or outlying areas (or alternative areas if indicated in the study required by paragraph (c) of this section and approved by the Administrator) to the Pittsburgh CBD:

(1) Belleville, Pennsylvania,

(2) Bethel Park, Pennsylvania,

(3) Clairton, Pennsylvania,

(4) The Greater Pittsburgh International Airport,

(5) McKeesport, Pennsylvania,

(6) McKees Rocks, Pennsylvania,

(7) Monroeville, Pennsylvania

(8) North Braddock, Pennsylvania, and

(9) Penn Hills, Pennsylvania

For each route either approved or designated by the Administrator pursuant to paragraph (d) of this section, at least one bus/carpool lane shall be established to serve traffic traveling toward the Pittsburgh CBD from 6:30 to 9:30 a.m. (or for a longer time), and at least one bus/carpool lane shall be established to serve traffic traveling toward the suburban or outlying areas from 3:30 to 6:30 p.m. (or for a longer time), Monday through Saturday.

(c) On or before November 1, 1974, the Commonwealth of Pennsylvania shall submit to the Administrator a study which shall contain for each of the corridors described in paragraph (b) of this section a detailed analysis showing every specific route location considered by the Commonwealth for the corridor. The study shall designate one of the specific routes examined for each corridor as the most practicable route for that corridor. The study shall fully present the advantages and disadvantages of establishing the bus/carpool lanes provided for in paragraph (b) of this section along the most practicable route. For any corridor identified in this section along which the Commonwealth concludes that bus/carpool lanes are not feasible, the Commonwealth shall designate a replacement corridor, connecting the Pittsburgh CBD and another significant source of CBD-bound traffic along which bus/carpool lanes are feasible. An analysis of the substituted corridor shall be included similar to the analysis of the original corridor, to show the most practical route for said bus/carpool lanes.

(d) On or before December 1, 1974, the Administrator shall submit to the Commonwealth of Pennsylvania his response to the study required by paragraph (c) of this section, and shall in that response, either approve the routes selected by the Commonwealth as most practicable and feasible for bus/carpool lanes, or shall designate alternative routes on which bus/carpool lanes must be established.

(e) On or before February 1, 1975, the Commonwealth of Pennsylvania and such county and local jurisdictions as the Commonwealth has requested to participate (and are, therefore, required by paragraph (b) of this section to establish lanes) shall submit to the Administrator compliance schedules which shall show in detail the steps which each governmental entity will take to establish the bus/carpool lanes required by this section, and to enforce the limitations on their use. In the compliance schedule submitted pursuant to this paragraph a governmental entity may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(f) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, signs, or physical barriers. Twenty-five percent of the lane mileage for each of the governmental entities must be established and the needed signs installed by July 1, 1975; 50 percent established by October 1, 1975; and 100 percent established by January 1, 1976.

(g) A signed statement by the chief executive of each governmental entity establishing lanes, or his designee, shall be submitted to the Administrator no later than February 1, 1975, to identify the sources and amounts of funds for all projects required by this section.

(h) No later than April 1, 1975, each governmental entity required by this section to establish lanes shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(12.0) 52.2051 Regulation for limitation of public parking

(a) "On-street parking" means stopping a motor vehicle on any street, highway, or roadway (except for legal stops at or before intersections and as caution and safety require) whether or not a person remains in the vehicle. Stopping for the purpose of effecting any pickup or delivery of goods shall be permitted as provided in paragraphs (d) and (e) of this section.

(b) This section is applicable in the Southwest Pennsylvania Intrastate AQCR and in the Pennsylvania portion of the Metropolitan Philadelphia Intrastate AQCR.

(c) Beginning April 1, 1974, each appropriate governmental entity shall prohibit on-street parking, Monday through Saturday, on all streets and highways over which it has ownership or control and which contain exclusive bus, bus/carpool, or trolley lanes pursuant to 52.2044 through 52.2050, except as provided in paragraph (f) of this section. The prohibition against on-street parking on any particular street or highway shall be only for the period during which such street or highway has a lane or lanes reserved for trolleys, buses, and/or carpools. Momentary stopping for the pickup or discharge of passengers on exclusive bus, bus/carpool, or trolley lanes at established passenger stops shall be permitted. No later than March 1, 1974, each initially affected governmental entity shall submit to the Administrator legally adopted regulations establishing such a prohibition program. For any governmental entity not subject to any requirement to establish exclusive lanes until so requested by the Commonwealth of Pennsylvania pursuant to 52.2048 (b) and 52.2050 (b), legally adopted regulations need not be submitted to the Administrator until 2 months after the Commonwealth of Pennsylvania requests the participation of such governmental entity in an exclusive lane program. At a minimum, such regulations must provide that vehicles parked in violation of the prohibition shall be towed away and the owner shall be fined not less than $50 per violation.

(d) Any governmental entity required under paragraph (c) of this section to establish on-street parking limitations may apply to the Administrator for permission to allow pickup and delivery of goods in certain identified zones along streets or highways containing exclusive trolley, bus, or bus/carpool lanes. Such applications must be submitted to the Administrator no later than June 1, 1974, or 1 month before the exclusive lane is established, whichever is later, and must identify precisely the physical location of the zones, the times for which permission to load and deliver in the zone is sought, and the manner (signs, pylons, etc.) in which the zones will be identified to motorist. Such application must also demonstrate that no safe and feasible alternatives exist for loading and delivery for the affected merchants (or others) from streets not containing exclusive trolley, bus, or bus/carpool lanes.

(e) After July 1, 1974, any governmental entity required under paragraph (c) of this section to establish on-street parking limitations, shall also prohibit stopping any vehicle along any street or highway containing an exclusive trolley, bus, or bus/carpool lane for the purpose of effecting any pickup or delivery of goods, except in loading and delivery zones approved by the Administrator pursuant to paragraph (d) of this section. Such prohibition shall apply during the same hours as the prohibition against on-street parking and shall state that any vehicle parked in violation of the prohibition shall be towed away and the owner shall be subject to a fine of not less than $50 per violation.

(f) This section shall have no application to the Streets and highways containing exclusive bus or trolley lanes as provided for in 52.2046.

(g) No later than February 1, 1974, governmental entities subject to this section shall submit to the Administrator detailed compliance schedules showing the steps they will take to establish and enforce the on-street parking limitation program, including statutory proposals and needed regulations that they will propose for adoption. For any governmental entity not subject to any requirement to establish exclusive bus/carpool lanes until so requested by the Commonwealth of Pennsylvania pursuant to 52.2048 (b) and 52.2050 (b), a compliance schedule need not be submitted to the Administrator until 1 month after the Commonwealth of Pennsylvania requests the participation of such governmental entity in an exclusive lane program.

(12.0) 52.2052 Employer's provision for mass transit priority incentives

(a) Definitions:

(1) "Philadelphia CBD" means the area within the City of Philadelphia, Pennsylvania, bounded by, but not including, Vine Street, South Street, the Schuylkill River, and the Delaware River.

(2) "Employee parking space" means any parking space reserved or provided by an employer for the use of his employees.

(b) This section is applicable in the Southwest Pennsylvania Intrastate AQCR, and in the Philadelphia CBD of the Pennsylvania portion of the Metropolitan Philadelphia Intrastate AQCR (the Regions).

(c) Each employer in the Regions who maintains more than 700 employee parking spaces shall, on or before February 1, 1974, submit to the Administrator an adequate transit incentive program designed to encourage the use of mass transit and discourage the use of single-passenger automobiles by his employees. This program may contain provisions for transit, reductions in the number of employee parking spaces surcharges on the use of such spaces by employees, provision of special charter buses or other modes of mass transit for the use of employees, preferential parking, and other benefits to employees who travel to work by carpool, and/or any other measures acceptable to the Administrator. By April 1, 1974, the Administrator shall approve such program for each employer if he finds it to be adequate, and shall disapprove it if he finds it not be adequate. Notice of such approval or disapproval will be published in Subpart NN of this part.

(d) In order to be approvable by the Administrator, such program shall (contain procedures whereby the employer will supply the Administrator with semi-annual certified reports which shall show, at a minimum the following information:

(1) The number of employees at each of the employer's facilities within the Regions on October 25, 1973, and as of the date of the report.

(2) The number of free and non-free employee parking spaces provided by the employer at each such employment facility on October 15, 1973, and as of the date of the report.

(3) The number of employees regularly commuting to and from work by private automobile, carpool, and mass transit at each such employment facility on October 15, 1973, and as of the date of the report.

(4) Such other information as the Administrator may prescribe.

(e) If, after the Administrator has approved a transit incentive program, the employer fails to submit any reports in full compliance with paragraph (d) of this section, or if the Administrator finds that any such report has been intentionally falsified, or if the Administrator determines that the program is not in operation or is not providing adequate incentives for employee use of carpools and mass transit, the Administrator may revoke the approval of such plan. Such revocation shall constitute a disapproval.

(f) By April 1, 1974, the Administrator shall prescribe a transit incentive program for each employer to whom paragraph (c) of this section is applicable if such employer has not submitted a program. By June 1, 1974, the Administrator shall prescribe a transit incentive program for each employer to whom paragraph (c) of this section is applicable if the program submitted is not adequate. Within 2 months after any revocation pursuant to paragraph (e) of this section, the Administrator shall prescribe a transit incentive program for the affected employer. Any program prescribed by the Administrator shall be published in Subpart NN of this part.

(g) Each employer in the Regions who maintains more than 70 employees parking spaces shall, on or before February 1, 1975, submit to the Administrator an adequate transit incentive program conforming to the requirements of paragraphs (c) and (d) of this section, except that in paragraph (d), the reference date for reports shall be October 15, 1974, rather than October 15, 1973. Each such program shall be subject to approval or disapproval by the Administrator by April 1, 1975. Each such program, when approved, shall be subject to revocation as provided in paragraph (e) of this section.

(h) By April 1, 1975, the Administrator shall prescribe a transit incentive program for each employer to which paragraph (g) of this section is applicable if such employer has not submitted a program. By June 1, 1975, the Administrator shall prescribe a transit incentive program for each employer to which paragraph (g) of this section is applicable if the program submitted is not adequate. Within 2 months after any revocation of any program of any employer pursuant to paragraph (e) of this section, the Administrator shall prescribe a transit incentive program for the affected employer. Any program prescribed by the Administrator shall be published in Subpart NN of Part 52, Title 40, Code of Federal Regulations.

(12.0) 52.2053 Monitoring transportation mode trends

(a) This section is applicable to the Southwest Pennsylvania Intrastate AQCR and the Pennsylvania portion of the Metropolitan Philadelphia Intrastate AQCR.

(b) In order to assure the effectiveness of the inspection and maintenance program and the retrofit devices required under 52.2038 and 52.2039, the Commonwealth of Pennsylvania shall monitor the actual per vehicle emission reductions occurring as a result of such sections. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth in accordance with 51.7 of this chapter. The first quarterly report for reporting emission reduction data shall cover the period from January 1 to March 31, 1976.

(c) In order to assure the effective implementation of 52.2050, 52.2041, and 52.2043 through 52.2051 the Commonwealth shall monitor vehicle miles traveled and average vehicle speed for each area in which such sections are in effect for such time periods as may be appropriate to evaluate the effectiveness of such sections. The first quarterly report for reporting vehicle miles (traveled and vehicle speed data shall cover the period from July 1, through September 30, 1974. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with 51.7 of this chapter in the basic format shown in Table 1.

Time period ---
Affected area ---

VMT OR AVERAGE VEHICLE SPEED

Roadway type	Vehicle type (1)	Vehicle type (2)[1]
Freeway -------------------		
Arterial ------------------		
Collector -----------------		
Local ---------------------		

[1] Continue with other vehicle types as appropriate.

(d) No later than March 1, 1974, the Commonwealth shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(1) The Agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(2) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of any modeling techniques to be employed; a description of the geographical area to which the data apply, identification of the location at which the data will be collected; and the time periods during which data will be collected.

(3) The administrative procedures to be used.

(10.0) 52.2055 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000 or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.2058 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations

Pollutant	Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

    (c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

    (d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

    (e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

    (a) The redesignation is consistent with adjacent State and privately owned land, and

    (b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

    (a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

    (b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)